A

Compendious and Accurate

TREATISE

OF

FINES

Upon Writs of Covenant;

AND

RECOVERIES

Upon Writs of Entry in the Poſt.

With ample and copious Inſtructions how to draw, acknowledge and levy the ſame in all Caſes. Being a Work performed with great Exactneſs, and full of Variety of Clerkſhip.

The Third Edition; Wherein the former are reviewed, corrected and inlarged.

With an Addition of ſeveral Preſidents, and many Obſervations, Rules and Caſes concerning the Effect and Operation of Fines and Recoveries.

LONDON, Printed by the Aſſigns of *Rich.* and *Edw. Atkins* Eſquires; For Iſaac Cleave at the *Star* in *Chancery-Lane*, 1693.

To the Right Honourable

Sir *Francis North*, Kt, Lord Chief Justice of His Majesties Court of *Common Pleas* at *Westminster*.

My LORD,

THE *ensuing* Precedents *being wholly applicable to the Practice of that Court, wherein your Lordship most deservedly holds the Place of Chief Justice; and the former part of them consisting in* Fines *only peculiar to your Lordships high and eminent Office, No Person whatsoever, except your Lordship (as Chief Justice of the* Common Pleas) *having power, without the Kings Writ, to take their Cognizance out of Court; I humbly conceive it most agreeable (in respect of my Duty, and the Nature of the Subject) to submit them to your Lordships* Patronage *and* Protection.

But, my Lord, In regard there be many Precedents *of* Fines *and* Recoveries *already in Print, lest I should be taxed of Plagiarism in transcribing such as have been formerly published, I humbly beg leave to put your Lordship in mind, That what is here offered to your Lordship and the World, was by your Lordships signal Favour and Condescention to me first Licenc'd in Manuscript; a Favour so Transcendent, That only your Lordships bare Remembrance of it, is sufficiently able to silence Detraction, and satisfie the World, That the* Precedents *in this* Compendious, *though Minute* Treatise, *are not borrowed from any thing already in Print.*

Nay,

Nay, my Lord, on the contrary it would be an Enterprise of no great difficulty to evince the World by plain Demonstration, That these Precedents *(besides the Esteem they must necessarily acquire by the Approbation of your Lordship, and the other Honourable* Judges *of the Court) have moreover abundantly the Advantage of all those of this kind that hitherto have pass'd the Press, in respect of the exactness of their Forms, Succinctness of their Method, and Copiousness of the Instructions relating to their Use and Qualifications, I question not but your Lordship (and all Judicious Men) will allow to be requisite to a Book of this Nature: And which I do assure, your Lordship, are hardly to be found in the so much quoted* Wests Symboleographia, *and not in the* Compleat Clerk, *though otherwise it be a Collection of Excellent Use and Benefit.*

And this Character your Lordship well knows to be agreeable with the Sentiments I had of the Manuscript when it was first offered to your Lordship for Licence; But if the Zeal I have for its Worth (out of respect to those Great Masters *of* Clerkship, *who gave Formation to the Original) hath led me to Expressions unsuitable to the* Quality *and* Grandeur *of so Honourable a Person as your Lordship, I humbly beg your Lordships Pardon for it; and that your Lordship will believe that I have no other Presumption in this* Address, *than to be esteemed,*

My Lord,

Your Lordships most Humble,
and most Devoted Servant,

William Brown.

The

The Introduction *to, and* Definition *of a* FINE.

A Fine is of great Antiquity, yet considered as a Common Assurance, is but *Fictio Juris*, though anciently it was the Composure of a real Controversie, and the end of a Suit indeed; for after the Parties had contended by Suit in Law about the thing in question, many times they agreed at last, who should have it, and so a Fine was levied of it, and by this there was an end of the Matter. Some have writ, That there neither is nor can be provided by the Laws of the Land, any greater or more noble Security, by which any Person may make his Estate more secure, or produce a more solemn Testimony for the confirmation of his Estate, than a Fine levyed in the Kings Court upon Record; yet it must be allowed, that in some respects a Common Recovery exceeds it, for a Fine will bar the Heir in Tail, but not him in Remainder or Reversion, but a Recovery bars them all: It is called a Fine, *quia Finem litibus imponit, & est exceptio peremptoria*; or it is called *Finalis Concordia, Quia Finem ponit negotio, adeo ut neutra pars litigantium ab eo de cætero possit recedere. Glanv. li. 8. cap. 1, 2, 3.*

As it is now become a Common Assurance, this definition may be given of it, *viz.* That it is an Instrument on Record, of an agreement concerning Lands, Tenements or Hereditaments

The Definition of Fines.

Co. Inst. 2 part, 511, 514. Co. Lit. 120, 127. Plow. 265, 357, 358. Dyer 368.

A Fine may be accounted the noblest Assurance, because it is said to be *de dono* or *concessit*, whereas a Recovery seems to be by Judicial Process. 1 *Co.* 22. 62

They that have a Right of Reversion or Remainder expectant upon an Estate Tail, or for Life, shall have five years after their Title comes unto them to make their Claim. *Co. Inst.* 2 *p.* 518.

Note, that these Fines have much of their growth and effect from the Statutes 4 *H.* 7. 24. & 32 *H.* 8. 36. of which and the reason, see more in the Introduction to Common Recoveries.

ditaments duly made by the Kings Licence, or by the Licence of his Justices, and acknowledged by the Parties to the same upon a Writ of Covenant, (or some such like Writ) before the Justices of the Common Pleas, or others thereunto authorized, and ingrossed of Record in the same Court, to end all Controversies thereof, both between themselves which be Parties and Privies to the same, and all others Strangers not suing or claiming in due time.

A Fine may be levied upon a Writ of Right, or *Warrantia Chartæ*, &c.

It doth countervail a Feoffment with Livery and Seisin, and doth include all that is in a Feoffment, but is of greater Efficacy, and therefore is called a Feoffment upon Record.

By this a Man may convey his Land to another in Fee-simple, Fee-tail, for Life or for Years, and that with a Reservation of Rent also.

Parties to the Fine.

Note, He by whom the Fine is acknowledged is called the Cognizor, and he to whom it is acknowledged is called the Cognizee.

Of the several kinds of Fines.

Division of Fines.

SOme distinguish Fines to be either single or double.

Single Fine.

The single Fine is that by which an Estate is granted by the Cognizor to the Cognizee, and nothing is thereby rendred back again by the Cognizee to the Cognizor.

Double Fine.

The double Fine is that which doth contain a Grant or Render back again from the Cognizee to the Cognizor, as of the Land it self,

ſelf, or of ſome Rent Common, or other Thing out of it: many times limiting Remainders to Strangers not named in the Writ of Covenant, and ſometimes with Reſervation of Rent, Clauſe of Diſtreſs, and Grant of the ſame over.

Others divide theſe Fines into four kinds; As

1. *A Fine ſur Cognizance de Droit come ceo*, &c.
2. *A Fine ſur Done, Grant & Render.*
3. *A Fine ſur Cognizance de Droit tantum.*
4. *A Fine ſur Conceſſit.*

Fine ſur conceſſit what.

A Fine ſur Conceſſit, is ſuch a Fine as where the Cognizor is ſeiſed of the Lands contained therein, and the Cognizee hath no Freehold therein, but it paſſeth by the Fine; This Fine is ſaid to be Executory, ſo that the Cognizee or Cognizees therein muſt enter, or have a Writ of *Habere facias ſeiſinam*, according to their ſeveral Caſes for the obtaining of the poſſeſſion, if the Parties to whom the Eſtate is limited at the time of levying ſuch Fine be not in poſſeſſion of the thing granted: But if they be in poſſeſſion at ſuch time, there needs not any ſuch Writ, or any Execution of the ſaid Fine to put them in poſſeſſion, for then the Fine will enure by way of Extinguiſhment of Right, and doth not alter the Eſtate or Right of the Cognizee, however perchance it may better it.

See after for the Preſidents. It begins thus.

Et eſt Concordia talis ſcilicet qd' præd. A. conceſſit & reddidit Tenementa præd' cum pertin' præfat' B. & hæredibus ſuis duran' vita ipſius A. Et præd' A. Warran' Tenementa præd' cum pertin' præfat' B. & hæred' ſuis durante vita ipſius A. Or thus,

Et eſt Concordia talis quod præd' A. conceſſit præd' B. Tenementa præd' &c. habend' eid' B. pro termino vitæ ſuæ, &c. or to the like effect: See another form after.

Fine ſur Cognizance de Droit tantum, *what.*

It is ſo called for that the words *Come ceo que il ad de ſon done*, or rather *ut ill' quæ idem* (the Cognizee) *habet de dono*, of the Cognizor are left out

* If the Cognizee hath the Freehold of the Land, it is then called a *Fine ſur Releaſe*, needs no ſeiſin upon it, if the Party be in poſſeſſion, as before obſerved.

A Fine ſur Cognizance de Droit tantum, is alſo ſaid to be * Executory, and much of the nature of a *Fine ſur Conceſſit*; it is uſed commonly to paſs a Reverſion, and then it is expreſſed by ſuch Fine, that the particular Eſtate is in another, and that the Cognizor willeth, that the Cognizee ſhall have the Reverſion, or that the Land ſhall remain to him after the particular Eſtate ſpent.

And ſometimes it is uſed by Tenant for Life to make a Releaſe (in the nature of a Surrender) to him in Reverſion, but not by the word Surrender; for it is ſaid a particular Tenant, as for Life, cannot ſurrender his Term to him in Reverſion or Remainder by Fine, but he may grant and releaſe to him by Fine, 44 *E.* 3. 36. 3 *Co.* 86. *Dyer* 216. *Plow.* 268.

See after for the Preſidents.

Note, A Fine upon a Releaſe may not enure to an uſe, *Co. Inſt.* 3. 36.

Fine ſur done, grant & render *what.*

A Fine ſur Done, Grant & Render, is that which is called a double Fine, as is before obſerved

ſerved, being in a manner two Fines, (that is to ſay,) A *Fine ſur Cognizance de Droit come ceo*, and a *Fine ſur Conceſſit*, both formed into one, whereby the Cognizee after a Releaſe and Warranty made to him by the Cognizor of the Lands contained therein, doth grant and render back to the Cognizor the Lands, *&c.* or ſome part thereof, and many times limiting thereby Remainders to Perſons that are Strangers, and not named in the Writ of Covenant: This Fine is partly executed, partly executory, and as to the firſt part of it, is altogether of the ſame nature with a *Fine ſur Cognizance de Droit come ceo*; but as to the ſecond part containing a Grant and Render back (as aforeſaid) it is taken in Law to be rather a private Conveyance or Charter between Party and Party, and not as a Writ of Judgment upon Record.

If the Party be in poſſeſſion, it may be ſaid to be executed, and need no Writ of Seiſin otherwiſe it is executory. 5 *Co.* 38.

See the Preſident after.

This Render is ſometimes of the whole Fee, and ſometimes of a particular Eſtate with Remainder or Remainders over, or the Reverſion; and ſometimes with Reſervations of Rents with Diſtreſs, and ſometimes with a Grant thereof over by the ſame Fine.

Note, The Render of a Fine cannot be without writing to any other uſe. *Mo. Rep.* 679.

Note, A Render muſt be made upon a *come ceo ſur Releaſe*, or other Fine executed.

A *Fine ſur Cognizance de Droit come ceo que il ad de ſon done*, ſingle, is the principal, beſt and ſureſt kind of Fine, it is ſaid to be executed, becauſe it doth of its own force give preſent poſſeſſion (at leaſt in Law) to the

A Fine ſur Cognizance de Droit come ē, &c. *what.*

Cognizee, ſo that he needeth no Writ of *Habere facias ſeiſinam*, or other means for the execution thereof, for it doth admit the poſſeſſion of the Lands of which the Fine is levied to paſs by the Fine, ſo that the Cognizee may enter, for that the Eſtate is thereby (in Law) in the Cognizee; That is to ſay, To ſuch uſes as are declared in the Deed to lead the uſe thereof; for this is a general Maxim, That unleſs it be declared by Deed, or otherwiſe, to what uſe the Fine was levied, ſuch Fine ſhall be and enure to the uſe of the Cognizor that levied the ſame. This Fine is levied with Proclamations, according to the form of the Statute, 4 *H.* 7. *ch.* 24.

This is a Feoffment upon Record, and doth imply in it the Livery and Seiſin.

Pract. Regiſt. 148.

Bendl. Rep. 134.

See the Preſident of this after.

Alſo a Fine is either with Proclamations or without Proclamations, and executed or executory. That without Proclamations, is termed a Fine at the Common Law, and is levied in ſuch manner as was uſed before, 4 *H.* 7. 24. which ſtill remains of ſuch force as they were at the Common Law, to diſcontinue the Eſtate of the Cognizors if they be executed.

Dyer 216. *p.* 54. *Plow.* 265. *b.*

Proclamations.

That with Proclamations, is term'd a Fine according to the Statute, 1 *R.* 3. 7. 4 *H.* 7. 24. And ſuch a Fine is every Fine (that is pleaded) intended to be, if it be not ſhewed what Fine it is. And theſe Fines with Proclamations are the beſt ſort, and moſt uſed, and it is ſaid to be in the Election of the Cognizee to have it with or without Proclamations, and if there be Error in the Proclamations, yet the Fine ſhall be taken as a good Fine at Common Law without

32 *H.* 8. 36. 31 *El. ca.* 2.

3 *Cro.* 692. Election.

without Proclamations, *Jenk. Cent.* 6. *Caſe* 53. 2 *Co. Inſt.* 519.

A Fine alſo with or without Proclamations is either executed or executory: Executed, is ſuch a Fine as of its own force gives preſent Poſſeſſion, as a *Fine ſur Cognizance de Droit come ceo*: and in ſome reſpects a *Fine ſur Releaſe*, Confirmation or Surrender is ſaid to be executed. Executed or Executory.

Executory does not execute a Poſſeſſion without Entry or Action, as a *Fine ſur Cognizance de Droit tantum*, when the Cognizee hath no Freehold, *&c. Sur Conceſſit, ſur Done, Grant & Render*, and requires a Writ of Seiſin, unleſs the Party be in poſſeſſion of the Lands, as before obſerved.

And note, That almoſt any kind of Contract may be made and expreſſed by a Fine, as it may by a Deed in the Country; and therefore it may be ſo made, That one of the Parties ſhall have the Land, and the other a Rent out of it, and that one ſhall have for one time, and another for another time; by a Fine alſo a Leaſe for Years, or a Joynture for a Wife may be made; and by a Fine a Gift in Tail, and a Remainder over may be limited and created, 1 *Co.* 76.

Alſo an Heriot may be reſerved with Clauſe of Diſtreſs.

Of the Parts of a Fine.

A Fine is said to be made up of five Parts.

1. The Original Writ against the Cognizor.
2. The Composition or Kings Licence to alienate.
3. The Concord.
4. The Note of the Fine.
5. The Foot of the Fine: And to this may be added a sixth part, if the Fine be to be levied with Proclamations.

1. Writ of Covenant.

As to the first. The Writ of Covenant is the usual Writ Original taken out by the Cognizee or Cognizees, against the Cognizor or Cognizors to the Fine, for without an Original a Fine cannot be levied; yet a Fine may be levied upon any Writ of Right, or other Writ whereby Land is demanded, or may be recovered. It begins thus,

Midd'. *Præcipe* A. B. *qd' juste*, &c. *teneat* D. *Conventionem*, &c.

2. Kings Licence and Silver.

The Composition or Kings Licence to alien the Land, for which the King hath a Fine or Sum of Mony, which is called the Kings Sliver.

3. The Concord.

The Concord or Agreement between the Parties that intend the levying the Fine, wherein

in is declared how, and in what manner the Things contained in the Writ ſhall paſs; and as the Writ of Covenant is the Foundation, ſo this is the ſubſtance of the Fine.

And note, That if the Kings Silver be entred, and endorſed upon the Writ of Covenant by the Clerk for that purpoſe, although the Cognizor die before the Fine come to the Chirographer, yet is the Fine good for the other two parts, *viz.* The Note, and the Foot of the Fine are but Abſtracts taken out of this. It begins thus, *viz.*

Et eſt Concordia talis ſcilicet qd' præd' A. recogn' Tenementa præd' cum pertin' eſſe jus ipſius B. *&c.*

4. The Note of the Fine.

The Note or Abſtract is taken out of the Writ of Covenant and Concord by the Chirographer before it be engroſſed. It begins thus, *Int'* A. B. *Quer' &* C. D. *deforcientem*, &c.

5. The Foot of the Fine.

The Foot of the Fine includeth the whole Fine; The Parties to the ſame, the Thing granted, the day, year and place, and before whom the Concord was made; and this is called the Foot, becauſe it is the laſt part of the Fine; and when this is done, the Fine is engroſſed of Record, and the Indentures made by the Chirographer, and delivered for the Party to whom the Cognizance is made, and then is the Fine ſaid to be ingroſſed. 5 *Co.* 38, 43. *Co.* 2. *Inſt.* 514.

Next we muſt conſider the Proclamations made upon the Fine, which although they be not the eſſential Parts of the Fine, yet upon every

Poph. 63. *Moor Rep.* 359. every Fine made according to the Statute the must be made, and being made, they d make a bar according to what doth paſs.

Proclamations. Theſe Proclamations were appointed firſt b the Statute 1 *R.* 3. 7. (though afore that tim by the Statute *de Finibus levatis*, Fines we openly to be read at two certain days in t week by the diſcretion of the Juſtices,) and

See the Statute this Statute of *Richard* the Third, Fines the Common Law have the ſame force th had before, and might be levied according that Statute, or the Common Law, at the elec on of the Parties.

The Proclamations were to be made fo ſeveral days in each Term, during four ſuccee ing Terms, by the Statute 1 *R.* 3. 7. 4 *H.*

See the Statute 24. 32 *H.* 8. 36. But by the Statute 31 *El.* Fines in the Common Pleas ſhall be proclaim four times only, *viz.* Once in the Te wherein the Fine is ingroſſed, and once in ea of the three Terms then next following.

If any Proclamation be made upon a Su day, it is Error, becauſe it is not *dies Juridic Dyer* 128.

Who may be Cognizors.

HAving conſidered a Fine in all its Par We come next to obſerve who may Cognizors and Cognizees in Fines, and what Names.

Su

Such Perſons, either Male or Female, or Bodies Sole or Corporate, that may lawfully grant by Deed, may be Cognizors in Fines.

All Perſons that may lawfully grant by Deed, may be Cognizors.

But yet there ought to be great care taken, that many of them (who may) be not admitted to levy Fines; as an Infant, a Woman Covert, an Ideot or Lunatick, one that is Blind, Deaf and Dumb, one that is doting in old Age, or wants Diſcretion, or one that is much in Drink, or compelled by Dureſs or Impriſonment; it is left therefore to the diſcretion of the Judges or Commiſſioners whom to admit, or though many of theſe have the liberty of exception againſt ſuch a Fine, yet it may happen not to be in their power to avoid it, *Fieri non debet, ſed factum valet*, of which more hereafter.

4 *Co.* 124. 12 *Co.* 124. *Co. Lit. ſect.* 731.

2*dly*. Such Corporations Civil, as have an abſolute Eſtate in their Poſſeſſions, belonging to their Corporations, as a Mayor and Commonalty, *&c.* may together, and with a joynt conſent levy a Fine of the Land belonging to their Corporation, as a ſingle Perſon may do; but no one of the Corporation, though he be the Head thereof, nor any of the Members without the general conſent of the whole Corporation can levy a good Fine.

Corporations.

Alſo Biſhops, Dean and Chapters, Heads and Fellows of Colleges, and ſuch like who have any Eſtate of Freehold in Eccleſiaſtical Lands or Right of their Churches, *&c.* are forbidden and reſtrained by divers Acts of Parliament from levying any Fines of their Lands belonging unto them; but of the Lands ſuch Perſons have

Spiritual Perſon.

21 *Ed.* 4. 13. *Plow.* 11, 78. 122, 124, 538, 575. 11 *Co.* 78.

have in their own Right, they may levy Fines as other Persons may do.

Tenant in Tail of the Kings Gift.

Also he that hath an Estate Tail of the Kings Gift or Provision, cannot levy a good Fine of it to bind the King, or to bind the Issue in Tail, by the 32 *H.* 8. *Chap.* 28.

Intruder upon the King.

Also a Fine levied by the Heir that is an Intruder upon the Kings Possession, is void, 1 *H.* 7. 5. 24 *Ed.* 3. 65.

Lands prohibited by Act of Parliament.

Also Fines levied, of any Lands, prohibited to be sold by Act of Parliament, are void. Stat. 32 *H.* 8. *cap.* 36 and 28. And he that

By Husband of the Wifes Land.

hath an Estate in Fee-simple in Land in the Right of his Wife, is forbidden to levy a Fine without her. *Ibidem.*

So that the Persons that levy a good Fine must be such, and must have such an Estate in the Land, as they are not prohibited by any Law to

Void Fine.

levy the Fine, otherwise the Fine will be void.

Persons Outlawed.

But Persons who are Outlawed, or waved in personal Actions only, may levy a Fine.

Attainted of Felony or Treason.

And Persons attainted of Felony or Treason may levy by Fine, and it will be good against them and all others, except the King, and the Lord of whom the Land is held, 17 *Ed.* 3. 5. 17 *Ass. pl.* 17. 21 *H.* 7. 7. 9 *H.* 6. 20. 8 *Ass.* 2. Therefore care ought to be taken how such Fines are levied.

Joint-Tenant, &c.

A Joint-Tenant, Tenant in Common or Partner, may levy a Fine of the Land so held by him, to a Stranger, or to another Joint-Tenant, Tenant in Common or Partner, 26 *H.* 8. 9. *Dyer* 69. 334. *Plow.* 338, 378. 11 *E.* 4. 6.

Also Tenant in Fee-simple, in Remainder or Reversion. Tenant

Tenant for Life, its ſaid, may levy a *Fine ſur Grant & Releaſe*, of the Lands which he holdeth for Life, to hold to the Cognizee for Life of the Tenant for Life, 44 *Ed.* 3. 36. But if the Eſtate be larger, it is a Forfeiture of his Eſtate, 4 *H.* 7. *Noy* 30. Tenant for life.

And ſo the Law is the ſame of ſuch Fines by Tenant in Tail, after poſſibility, Tenant in Dower or by the Courteſy, 39 *E.* 3. 16. Tenant in Tail

But it ſeemeth to be no forfeiture of a Rent, 2 *H.* 5. 7.

Who may be Cognizees.

ANY Perſon that hath a Capacity to take by the Grant of a Deed, ſo as to be a good Grantee, ſuch a Perſon may be a good Cognizee in a Fine. So any Man or Woman, Sole or Covert, of full age or under age; any mad or lunatick Perſons, Ideot, or Man *de non ſane memory*; ſo any Man in or out of Priſon, or beyond Sea, any Perſon attainted of Felony or Treaſon, or Outlawed in a perſonal Action, a Baſtard, a Clerk convict, an Alien, any of theſe may be a good Cognizee, and take by a Fine as well as by a Deed; and a Fine levied to any ſuch Perſon will be good. All Perſons having Capacity to take by the Grant of a Deed may be Cognizees. 50 *Ed.* 3. 9. 3 *H.* 6. 42. 24 *Ed.* 3. 62.

So Corporations Spiritual and Temporal, Civil or Corporal, may be Cognizees in Fines, and Fines levied to them will be good. Corporations.

But before the ingroſſing of ſuch a Fine, there goeth always a Writ to the Juſtices of the Common Pleas, *Qd' permittant Finem ill' levari.* If

Infant and Feme Covert.

If an Infant or Feme Covert be to tak by Fine, he or ſhe need not be examined, when they are Conuſors in a Fine, 24 *E.* 3. 6 3 *H.* 6. 41.

Perſons civilly dead.

Perſons who by our Law are accounted civi ly dead, as Monks, Fryers, and the like, ma neither be Cognizors nor Cognizees in Fine nor will a Fine levied by or to any of them b good, 22 *E.* 4. 4. 15 *E.* 4. 21. 5 *H.* 7. 2 19 *H.* 6. 25.

And note, That a *Fine ſur Cognizance d Droit come ceo*, &c. may not be levied to an Perſon, but to one that is Party to the Writ o Covenant; yet a Vouchee after he hath en tred into the Warranty to the Demandant, it ſaid may confeſs the Action or levy a Fine t the Demandant, for he is then ſuppoſed to b Tenant to the Land. So a Fine or Releaſe from the Demandant to the Vouchee is good and yet they are not Parties to the Writ; but a Fine levied by the Vouchee to a Stranger i void.

3 *Co.* 29.
7 *Ed.* 4. 13.
5 *H.* 7. 40.

By what Names Cognizors and Cognizees may give and take in a Fine.

Two of one Name.

COgnizors and Cognizees, in Fines, ought to be called by their right Names of Baptiſm and Surname; and if there be two of one Name, it is moſt proper and ſafe to diſtinguiſh them by the diſtinction of Elder or Younger, and the like.

But

But Kings, Queens, Princes, Dukes, Marqueſſes, Earls, Viſcounts or Barons are ſeldom named by their Surname, but by their Chriſtian Name and Dignity; as *Jacobus Rex Angl' Carolus Princeps Walliæ, Johannes Dux Lancaſtriæ*, &c. Names of Dignity.

But Knights, Eſquires and Gentlemen are called by their Chriſtian Name and Surname, together with their Additions of Honour; as A.B. *Bar'*, C.D. *Mil'*, E.F. *Armig'*, G.H. *Gen'*, &c. And the addition of Biſhop, Dean, Prebendary, *&c.* its ſaid are rather uſed out of courteſy than neceſſity, for the Fine may be good without them, 21 *E.* 4. 8. 1 *Aſſ. pl.* 11. 1 *H.* 4. 22. 14 *H.* 6. 15. 1 *Brownl.* 30. Titles of Honour.

A Corporation or Fraternity muſt be deſcribed by the very true Name of the Corporation, as it is named in the Charter and Foundation of it, 11 *H.*4. 44. 12 *H.*4. 20. 7 *H.* 6. 27. 7 *H.* 6. 29. Corporation how to be named.

Some ſmall difference in a Name, its ſaid, will not hurt; as *Margery* for *Margaret*, *Agnes* inſtead of *Anne*; yet a Fine levied to *A.* and *Sibel* his Wife, where her right Name was *Iſabel*, was held void, 1 *Aſſ. pl.* 11. *Bro.* 344. Small difference in a Name hurteth not.

But if a Fine be levied by a Man and his Wife, and the Wife is named wrong, its ſaid this Fine ſhall bind her by Eſtoppel, *Bro.* 344. Caſe. Wife named wrong.

Yet if a Woman have two Husbands living, and with her ſecond acknowledges a Fine by his Name, this Fine it ſeems is void; but if a Woman levy a Fine with her right Husband, and Wife miſnamed.

and by a wrong Chriſtian Name, ſhe cann avoid ſuch a Fine, *Bro. Fines* 17. 1 *Aſſ. pl.* 7 *H.* 4. 22.

Feme Sole Marry before the day in Bank.

If a Feme Sole after the *Teſte* of the Wr of Covenant, & *Dedimus poteſtat'* to take th Cognizance of a Fine of her, and before th day in Bank to record and ingroſs it, Marr yet the Fine ſhall be good, and recorded by th Name ſhe had when Sole; but her death a

Death before day in Bank.

ſuch time will make the Fine void.

By what Names the Parcels ma paſs and be placed.

NExt we muſt conſider by what Names th Things whereof the Fine is to be l vied may paſs, and how the Parcels are to b placed therein.

A Fine may be levied of all Things, where of either a *Præcipe qd' reddat*, or a *Præcip qd' faciat*, or a *Præcipe qd' permittat*, or *Præcipe qd' teneat*, lieth; It may be levied o Things Eccleſiaſtical or Temporal that are in heritable and in *eſſe* at the time of the levying of the Fine: So a Fine may be levied of a

Honour,
Mannor,
Iſland,
Barony,
Caſtle,
Meſſuage,
Cottage,
Mill,
Toft,
Curtilage,
Dove-houſe,
Garden,
Orchard,
Land,
Meadow,

Meadow,
Paſture,
Wood,
Underwood,
Chappel,
River,
Chauntry,
Parſonage,
Rectory,
Advowſon,
Vicarage,
Tythes impropriate,
Eſtovers,
Foldage,
Corody,
Office,
Fiſhing,
Warren,
Fair,
Mine,
View of Frankpledge,
Waif,
Stray,
Felons Goods,
Deodand,
Hoſpital,
Furzes,
Heath,
Moor,
Rent,
Common,
Hundred,
Way,
Ferry,
Franchiſe,
Seigniory,
Reverſion,
Toll,
Talladge,
Picage,
Pontage,
Acquital,
Services,
Portion of Tythes,
Oblations, and the like.

But a Fine levied of Ancient Demeſn Lands will not be good. See *Weſt. Symb. part* 2. Stat. 32 *Hen.* 8. *cap.* 7. 8 *Co.* 145.

Many of theſe may be granted together in one Fine; as 50 Meſſuages, 40 Toſts, 500 Acres of Land, and 50 Shillings of Free Rent, as occaſion requires. Many of one ſort granted.

So of a Dove-houſe, 3 Gardens 2 *l.* 6 *s.* 4 *d.* Rent, and of the Rent of four Capons, one Rent.

pound of Wax and the like, all in one Fine, 3 *Co.* 45. 6 *Co.* 67. 7 *Co.* 38.

Demeſnes. Demeſnes, Rents, Seigniories, Courts, Pleas, *&c.* whereof a Mannor conſiſteth, paſs by the Name of *Manerium cum pertinentiis*, 3 Inſt. 513.

The nature and quality of the Things. The nature and quality of the Things muſt alſo be obſerved; as Land, Meadow, Paſture, *&c.* and the place where they lie.

More Worthy Things firſt. The more Worthy Things muſt be put firſt; as a Caſtle before a Mannor, a Mannor before a Meſſuage, a Meſſuage before Land, Arable before Meadow, *Plow.* 168. 7 *H.* 6. 39.

Things general. Things General before Things Special, as before, Meadow, Paſture, Wood, Heath, Marſh, *&c.* muſt be placed, Land being the *Genus* thereto.

So *Boſcus* muſt precede *Alnetum*, *Salicetum*, &c. as Wood is the *Genus* to Wood-Ground.

For the placing of Particulars in a Writ of Covenant, is in all Things as in a *Præcipe qd' reddat* of Lands.

Reg. Orig. f. 2. And for this there is a Rule in the Regiſter which is thus ſet down after this manner.

ughum, um, endinum, umbare,
Meſ Toft Mol Col
dinum, ra, tum, tura, cus, ra,
Gar Ter Pra Paſ Boſ Bure
ria, cus, tum, caria,
Mora, Junca Mariſ Alnt Piſ
ditus,
Red Sectare Priora.

Alſo

Also intire Things must be set before their Parts; as *de Manerio de* C. *& Medietat' Manerii de* B. *cum pertin'*, &c. Intire things.

Parts of Things excepted, must succeed those Things out of which they be excepted; and if there be divers parcels in one Writ, that parcel out of which the Exception is to be made, ought to be last placed; as thus, *De Manerio de* D. *cum pertin' in* C. *Except' uno Messuagio, duabus Acris Terræ & Advocatione Ecclesiæ de* C. &c. *Regist. Orig. fol. 6.* See after. Things excepted must be last placed.

And every thing excepted ought to be certainly named, but it needeth not to say, *cum pertinentiis* after the thing excepted, 40 E. 3. 25. Thing excepted, certainly named.

And the exception must always be of such things as will lie in the Writ, *Regist. Origin.* 228, 229. and of such a thing as is comprehended in the Writ, and it is after this manner. *Præcipe* A. B. *qd' juste*, &c. *ten' C. D. Convention'*, &c. *de uno Messuagio, uno Cottagio & medietat' unius Messuagii & decem acr' terræ cum pertin' Except' una acra Terræ in* E. &c. and when come to the Concord, you say, *Et est Concordia talis scilicet qd' pred' A. recogn' Tenementa pred' cum pertin' (Except' præexcept') esse jus*, &c. but more concerning the Concord hereafter. Of what the Exception must be.

Also observe, that where the Original Writ is of many things, they must be expressed thus, suppose it were of a Manor, House, Rectory, &c.

First, *De uno Manerio*, secondly, *Ac de Rectoria*; thirdly, *Necnon de Messuagio*; for the fourth thing, *Acetiam*; for the fifth, *Preterea*; The words for the dividing of Things are eight.

for the ſixth, *Ac ulterius*; for the ſeventh, *Acetiam*; and for the eighth, *Ac inſuper*, and if there be more, then to begin again.

And to be repeated, viz.

1 *De*, 2 *Ac*, 3 *Necnon*, 4 *Acetiam*, 5 *Præterea*, 6 *Ac ulterius*, 7 *Acetiam*, 8 *Ac inſuper*.

Again, Obſerve that certain and apt Words muſt be uſed to expreſs the Things to paſs by the Fine; for a Fine levied *de Tenemento*, or *de Hereditamento*, or *de duobus Tenementis*, is void, or at leaſt voidable for Error, becauſe of the uncertainty and unaptneſs of the words, 1 *Cro.* 196. *Leon.* 188.

Unapt Words.

For the proper word to expreſs a Tenement or Hereditament in a Fine is *Meſuagium*, as *de uno Meſuagio*, or *duobus Meſuagiis*, &c.

How a Mannor may paſs.

One Mannor may alſo be parcel of another Mannor, and paſs by the Name of that Mannor, 20 *Aſſ. pl.* 54.

Caſtle, Honour or Hundred.

Alſo a Caſtle, Honour or Hundred may be parcel of a Mannor, and paſs by the Name of the Mannor whereof it is parcel; or it may paſs by its own proper Name, as *de Caſtello de* A. *cum pertin'*, or *de Hundred' de* A. *cum pertin'* or *de Honore de* A. 1 *E.* 3. 4. 2 *E.* 3. 36. 20 *Aſſ. pl.* 54.

The Pariſh, Town and County, &c.

Alſo the County, Town, Pariſh or Hamlet where the Things lie that are intended to paſs by the Fine ought to be certainly named. In 2d. *Crook* 120. *Stock* and *Foxes* Caſe, it is ſaid, That if there be two Towns, *Walton* and *Street*, in the Pariſh of *Street*, and a Fine is levied of ſuch Lands in *Street*; in this Caſe the Lands in *Walton* will not paſs by this

Example.

Fine

Fine, *Walton* being a diſtinct Town or Village by it ſelf; and although *Street*, the Pariſh, comprehend both, yet in the Fine the Lands in *Walton* ſhall not be ſaid to be compriſed, unleſs *Walton* had been a Hamlet of *Street*, and that the Fine had been levied of Lands in the Pariſh of *Street*, then all would have paſſed well enough.

If there be divers Towns of one Name in the ſame County, it is beſt to make an addition for diſtinction. Several Towns of the ſame Name.

If a Mannor extend it ſelf into divers Towns, as *A. B. C.* it is the beſt and ſafeſt to name all the Towns, or none of them at all, as *de Manerio de S. in* A. B. *&* C. or *de Manerio de* S. *cum pertin.* for if any one of the Towns be omitted, none of the Mannor in that Town will paſs; but it ſeems that if the Mannor be only named, and not ſaid in what Town it doth lie, the Fine may be good, *9 E. 4. 6.* Mannors extending into ſeveral Towns.

Alſo where divers Mannors be of one Name, with diſtinction of North and South, as *North S.* and *South S.* it is good in all the Proceedings of the Fine, to expreſs which of the Mannors is intended to be paſſed, *1 Cro. 196. Bro. Fines 44. 91.* Several Mannors of the ſame Name.

When a Fine is but for the preſentation to a Church only, it muſt be *de Advocatione Eccleſiæ de* S. and not *cum pertin.* and of Vicarages endowed, the Writ muſt be *de Advocatione Vicariæ Eccleſiæ de* S. And not *cum pertinentiis.* And where the Vicarage is not endowed, it muſt go under theſe words, *De Advocatione Eccleſiæ de* S. and Parſonages, Rectories, Fine of a Preſentation. Vicarages endowed. Not endowed. Parſonages,

Rectories, &c. Rectories, Advowsons, Vicarages and Tithes impropriate pass not by the words, *De Advocatione Ecclesiæ*, but by this, *de Rectoria Ecclesiæ de S. cum pertin.* West. Symb. 2 part.

Highwood and Underwood. Highwood and Underwood may pass by the general name of Wood, as *de viginti Acr. Bosci*, West. Symb 2 part.

House-boot, Hay-boot, &c. House-boot, Hay-boot and Plow-boot by the name of Estovers, as *de rationabili Estoverio in Boscis*, viz. *in decem Acris Bosci ipsius A. in* D. West. ibid.

A Fishing may pass by the name of *Separal. Piscaria in aqua de S.*

A Foldage. A Foldage may pass by the name of *de libertat. unius Foldagii & Cursu Ovium cum pertinen. in* F. or *de libero Faldagio Ovium cum pertin. in* F. or *de libera Falda*, West. Symb. 2 part.

A Chappel. A Chappel or Hospital will pass by the name of a Messuage, 13 *Ass.* 2.

Messuagium is a dwelling house. So by the name of a Messuage, with the Appurtenances may pass a House, with a Shop, Curtilage, Garden, Orchard, also a Dove-house and Mill as parcel thereof, *Bract. lib.* 5. *cap.* 28. *sect.* 1. *Plow. fol.* 169, 170, 171.

Curtillagium a Garden or Yard near or belonging to a Messuage. So by the name of a Cottage, a Toft, a Chamber, a Cellar, *&c.* may pass, and yet these also may pass alone by their own single Names of *de uno Messuagio, uno Curtilagio, &c.* West. *ut supra.*

A Toft is a place wherein a Messuage hath stood.

Part of Intire things. Part of an intire thing may pass by the words *de medietate, de tertia parte*, or *de duabus partibus in tres partes dividend.* (as the Case requires) so *de Medietate omnium decimarum*

marum Granorum & Feni ac Terræ vocat. B. *cum pertin. in* H.

But if an intire Thing, as a Mannor, Meſſuage be parted, as if the Mannor of *S.* be divided into two parts, and the diviſion be ſo made, as that the Mannor for that part be not extinct, and a Fine is to be levied of part of it; it muſt paſs by the name of the whole, as *de Manerio de* S. Mannor divided.

So if a Meſſuage and 23 Acres of Land be parted, the part divided may paſs by the name of one Meſſuage, and ten Acres of Land, and not *de Medietate unius Meſuagii & viginti & trium acrarum terræ.* Meſſuage, &c. divided.

Molendinum, is good without adding *ventriticum*, or *aquaticum* or *granaticum*, yet the latter is moſt uſual, 44 *E.* 3. *f.* 13. Molendinum.

Land may be demanded by a certain number of Acres, as *de decem Acris Terræ, viginti Acr. Prati, ducent. Acr. Paſturæ*, &c. or by the certain meaſure of the ſuperficial quantity thereof, as *de Hida, Carucata, Bovata, Virgata, Acra, Roda, Furlingo Terre*, &c. Land demanded how.

In like manner *Boſcus, Subboſcus, Bruera, Mora, Juncaria, Mariſcus, Alnetum & Ruſcaria*, may be demanded by the number of Acres thereof, 16 *Aſſ.* 9. Boſcus, Subboſcus, &c.

Turbary may be demanded by the name of *Moræ*. Rent, by the number of the Things, or that which is to be rendred; as *decem Libr. decem Marr. duodecim Solid. ſex Denar. un. Obol.* &c. 21 *E.* 3. 44. Turbary.

But note, That it is uſual in Fines to comprehend more number of Acres than are intended More Acres contained in the Fine than intended to paſs.

tended to pass, and this will not hurt; for in such Case no more shall pass than what is intended and agreed upon between the Parties, *Poph. Rep.* 105.

See more for these Things in *West.* 2 *part.*

Of the Concord of a Fine.

How the Particulars are to be named in the Concord.

HAving considered the placing of Parcels in Fines, and by what Names, which in drawing of Concords are recited in the *Precipe*, being the Head or Title thereof, and are to be in the same order and words as are to be in the Original Writ, being the recital and direction thereof; let us next examine and consider the Concord it self,

Things not recited again.

In the Concord the Particulars or Parcels need not, nor are used to be recited over again, as in the *Præcipe* for the Writ of Covenant, (or in any other Original Writ whereon the Fine is to be levied;) but it will be sufficient to say,

Et est Concordia talis scilicet quod A. *recogn. Tenementa præd. cum pertin. esse jus ipsius* B. *&c.*

And by these words *Tenementa præd.* any number or quantity of distinct Things or Parcels will be well enough expressed.

Things recited again.

But if the *Precipe* be of intire Things by themselves, as *de Manerio*, or *Maneriis cum pertin. in* A. then must you say in the Concord,

Et est Concordia talis scilicet quod præd. A. *recogn. Manerium*, or *Maneria præd. cum pertin. esse jus*, &c.

Neither

Neither will Meſſuages named by themſelves a *Precipe*, paſs by the word *Tenementa* in e Concord; alſo an

Example.

onour,	*Oblations*,
aſtle,	*Toll*,
and,	*Stallage*,
arony,	*Pontage*,
undred,	*View of Frankpledge*,
orough,	A *Liberty*.
nights Fee,	*Franchiſe*,
he ſcite of a Mannor,	*Office*,
Park,	*Bailiwick*,
rebendry,	*Fair*,
ent,	*Market*,
mmon,	*Paſſage*,
Warren,	*The Moiety or Part of an intire thing*.
ſhing,	*Wreccum Maris*,
ctory,	*The Advowſon of a*
thes,	

arch or Portions of Tythes muſt be particularly med in the Concord, as well as in the ecipe.

Next we are to conſider the end and intent the Fine, which is to paſs a Right, and limit ates from one to another.

The end and Intent of a Fine.

And this appears by the Concord thereof, which it is to be noted, That though there divers Cognizees, yet the right ſhall be li-ited to one of them only, and the Eſtate li-ited to his Heirs only whoſe right it is ac-owledged to be. See *Weſt. Symb. Tit. Fines*, *H.* 6. 42. 24 *E.* 3. 64.

How the right is to be limited

As

(As thus,) *A.* is Cognizor, *B.* and *C.* Cogniz

Example.

Et eſt Concordia talis ſcilicet quod præd. cogn. Tenementa præd. cum pertin. eſſe jus ſius B. *ut ill. quæ iidem* B. *&* C. *habent de præd.* A. *Et ill. remiſit & quiet. clam. de ſe hæred. ſuis præfat.* B. *&* C. *&* Hæredibus *ſius* B. *imperpetuum. Et pro hac*, &c.

Concerning the Releaſe and Warranty

It is alſo ſaid, That the Releaſe and Warranty muſt be by one of the Cognizors, from him and his Heirs only; for in a F from divers, the Fee muſt be ſuppoſed to in one of them only, 21 *E.* 3. 33. but I the Uſe generally otherwiſe.

Indeed in a Fine from a Man and his W it ſeems ſometime to that purpoſe, as thus,

From Husband and Wife, the Fee being in the Husband.

Precipe A. B. *&* C. *ux. ejus quod juſte, ten.* D. *Con.* &c.

Et eſt Concordia talis ſcilicet quod pred. & C. recogn. Tenementa pred. cum pertin. jus ipſius D. *ut ill. que idem* D. *habet de D pred.* A. *&* C. *Et ill. remiſer. & quiet. cl de ipſius* A. *&* C. *& hered. ipſius* A. *prefat. & hered. ſuis imperpetuum. Et preterea i* A. *&* C. *conceſſer. pro ſe & hered. ipſius quod ipſi Warr. pred.* D. *& hered. ſuis pred. nementa cum pertin. contra ipſos* A. *&* C. *hered. ipſius* A. *imperpetuum. Et pro hac*, &c

From the Husband and Wife of the Wifes Lands.

Precipe A. B. *&* C. *ux. ejus quod juſte, teneant* D. *Con.* &c.

Et eſt Concordia talis ſcilicet quod pred. & C. recogn. pred. Tenementa cum pertin. jus ipſius D. *ut ill. quæ idem* D. *habet de D*

pred. A. *&* C. *Et ill. remiſer. & quiet. clam. de ipſis* A. *&* C. *& hered. ipſius* C. *prefat.* D. *& hered. ſuis imperpetuum Et preterea iidem* A. *&* C. *conceſſer. pro ſe & hered. ipſius* C. *quod ipſi Warr. pred.* D. *& hered. ſuis pred. Tenementa cum pertin. contra pred.* A. *&* C. *& hered. ipſius* C. *imperpetuum Et pro hac,* &c.

And ſo it may be from two others, the Fee being in one of them.

But generally where there is divers Cognizors in a Fine, the Releaſe is from them and their Heirs, as thus, By Husband and Wife, and the two other Conuſors to two Conuſees.

Et eſt Concordia talis ſcilicet quod pred. A. *&* B. C. *&* D. *recogn. Tenementa pred. cum pertin. eſſe jus ipſius* E. *ut ill. quæ iidem* E. *&* F. *habent de Dono pred.* A. B. C. *&* D. *Et ill. remiſi & quiet. clam. de ipſis* A. B. C. *&* D. *& heredibus ſuis prefat.* E. *&* F. *& hered. ipſius* E. *imperpetuum Et preterea iidem* A. B. C. *&* D. *conceſſer. pro ſe & hered. ipſius* A. *quod ipſi War. Tenementa pred. cum pertin. prefat.* E. *&* F. *& hered. ipſius* E. *contra omnes homines imperpetuum, Et pro hac,* &c.

Releaſe from the Cognizees *& heredib. ſuis.*

Warranty General.

Or if the Warranty be ſpecial, thus, A. B. C. *&* D. *Et hered. ipſius* A. *imperpetuum.*

Warranty Special.

And in theſe Caſes each of the Conuſors may warrant apart if they will, and one may give a General Warranty, and the other a Special Warranty; and 'tis the uſual practice to warrant apart where there are divers Cognizors, as thus, in the former Caſes.

Several Warranties.

Et preterea iidem A. *&* B. *conceſſer. pro ſe & heredibus ipſius* A. *quod ipſi warr. Tenementa cum*

Example. Firſt from *A.* and *B.* Husband and Wife.

cum pertin. prefat. E. *&* F. *& hered. ipſius* F. *contra pred.* A. *&* B. *& hered. ipſius* A. *imper-*

* *Or* Et inſup. *petuum Et* * *ulterius idem* C. *conceſſit, pro ſe & heredibus ſuis quod ipſi Warr. Tenementa pred. cum pertin. prefat.* E. *&* F. *& hered. ipſius* E. *contra pred.* C. *& hered. ſuos imperpe-*

* *Or* Et ulterius *tuum Et* * *etiam idem* D. *conceſſit pro ſe & heredibus ſuis quod ipſi Warr. Tenementa pred. cum pertin. prefat.* E. *&* F. *& hered. ipſius* E. *contra pred.* D. *& hered. ſuos imperpetuum Et pro hac*, &c.

And ſo of the like by theſe Words, *Et preterea, Et inſuper, Et etiam, Et ulterius, Et denique*, &c. as you may obſerve in the following Preſidents.

Several Purchaſes in one Fine.

And note, That Lands bought of divers Perſons, by ſeveral Purchaſors, may well paſs in one Fine, and then the Writ of Covenant muſt be brought by all the Vendees againſt all the Vendors, and every Vendor muſt Warrant againſt him and his Heirs only. And theſe Joint Fines are ſeaſonable when the Purchaſes are of ſmall value. See after a Precipe and Concord, Where one Cognizor warrants one part, another another part, and another another part.

Several Writs of Covenant, and when.

And note further, That one Concord may be of Lands in ſeveral Counties, and the Fine *pro Licencia Concord'* of all extracted entirely; but there muſt be ſeveral Writs of Covenant returnable all at one day, *Dyer f.* 227. *pl.* 24. See *Weſt. Preſ. Tit. Fines.*

How

How Fines are to be levied, and before what Perſons.

THE Perſons are either ſuch as take the Cognizances of Fines, or the Perſons to whom ſuch Cognizances are certified. Who may take the Cognizances of Fines, and certifie them, &c.

Some Perſons may take Cognizance of Fines, *ex Officio*, and by vertue of their Office.

Others muſt be authorized thereto by Commiſſion, elſe they cannot do it.

Ex Officio, The Lord Chief Juſtice of the Court of Common Pleas hath power to receive and certifie the acknowledgment of all manner of Fines without any Commiſſion as well in Court as out; alſo two of the Juſtices of the ſame Court, have power ſo to do in open Court, *Fenk. Cent.* 4. *Caſe* 28. Ex Officio.

As for others they take them by Commiſſion, either General or Special, iſſuing out of the Chancery. So Juſtices of Aſſize, who are by Commiſſion, may do it by the general words of their Patent, yet they do not uſe to certifie them without a ſpecial Writ of *Dedimus Poteſtatem*, *Dyer* 224, 377. 2 *Co. Inſt.* 512, 513, 514. *Weſt. Symb.* 2 *part. Bro. Fines* 120. *Fenk.* 4. and 28. By Commiſſion. Dedimus Poteſtatem.

Alſo Judges of both Benches, and Barons of the Exchequer, do uſually take the Cognizances of Fines before a *Dedimus Poteſtatem* ſued out, and afterwards to certifie the ſame upon the *Dedimus*, *Fenk. ut ſupra*, & *Cent.* 7. *Caſe* 3. Certificate after Dedimus

But

Country Commissioners.

But besides these, there are other Commissioners, who are impowred by a *Dedimus Potestatem* directed unto them for that purpose and they ought to be honest and understanding Gentlemen, usually living about that part of the Country, or place where the Cognizors dwell who are to acknowledge the Fine before such Commissioners, one whereof must be a Knight.

One to be a Knight.

This Writ of *Dedimus* doth surmise, that the Parties who are to acknowledge the Fine are not able to travel to *Westminster*, for the doing thereof, and therefore the Commissioners are authorised to take their Cognizance, and this they may take from them altogether at once, or asunder, at several times and in several Places as they please, as you may see by some of the Presidents at the later end.

Cautions.

But if the *Dedimus* be to two jointly to do it, one of them in this Case ought not to do it alone; or if it be to three jointly, two of them ought not to do it, for it will be Error; therefore care must be taken concerning their joint and several Power; so if one of the Cognizees be one of the Commissioners, and he himself take it, it is Error, *Fitz. N. B.* 146, 147. *Dyer* 220. 1 *Cro.* 249. See *Forme bene placitandi, Tit. Errors Assign.*

How

How to ſue out a Fine before the Lord Chief Juſtice of the Common Pleas.

First draw your *Precipe* fairly in Paper, thus,

Wilts' ſſ. P *Recipe Willielmo Owen quod juſte, &c. teneat Samueli Potter Conventionem, &c. de uno Meſuagio duobus Gardinis, viginti Acris Terre, decem Acris Prati, & decem Acris Paſture cum pertin. in* S. *Et iſi, &c.* Then write the Concord, as under obſerve. * The Precipe.

Then ingroſs it fairly in Parchment with the Concord; many Forms whereof you will find in this Treatiſe, as the Caſe requires, ſuppoſe it thus, *viz.* Note, The Paper Copy is to remain with the Clerk of the Fines.

* *Et eſt Concordia talis ſcilicet quod pred. Willielmus recogn. Tenementa pred. cum pertin. eſſe jus ipſius Samuelis ut ill. quæ idem Samuel habet de Dono pred. Willielmi Etill. remiſer. & quiet. clam. de ſe & heredibus ſuis predicto Samuel. & heredibus ſuis imperpetuum Et preterea idem Willielmus conceſſit pro ſe & heredibus ſuis quod ipſi Warr. predict. Samuel, & heredibus ſuis predict. Tenementa cum pertin. contra ipſum Willielmum & heredes ſuos imperpetuum Et pro hac, &c.* The Concord.

You

You may alſo for diſpatch write the Capti underneath it thus, on the left Hand,

Capt. & cognoit. primo die Junii Anno Regni Domini Willielmi & Dominæ Mariæ nunc Regis & Reginæ Angl. &c. quarto coram me

The Cognizor muſt ſubſcribe Name on the right Hand thus,

William Ow

Alſo ſome body that knows the P ties muſt ſignifie ſuch his kno ledge at the bottom thereof th

☞ *

A. B. *cogn. Partes.*

Note, The Clerk of the Fines uſually ſees theſe two done.

Then go with the Cognizor or Cognizo to the Lord Chief Juſtice of the Common Ple at his Chamber, and deliver your Paper Parchment to the Clerk of the Fines, w will enquire of him that comes with the Parti to the acknowledgment of the Fine, if h knows them, and ſee that he ſubſcribes to t Fine as aforeſaid; which done, he will g the Lord Chief Juſtices Hand to the Cap tion of the Concord, ingroſſed in Parchmen (and alſo to the Copy thereof, in Paper, whic is to remain with the Clerk of the Fines, Then you are to carry the Concord, in Parch ment, to the Curſitor of the County whe the Lands lie, and there get your Writ o Covenant made, which (before it be ſealed) you are to carry to the Alienation Office, and there compound it, and get it entred and en dorſed; then carry it back to the Curſitor, who will get it ſealed; and this being done, you muſt make a Warrant of Attorny for the Fine in this manner.

Writ of Covenant.

Alienation Office.

Wilte

Wiltes ſſ. *Samuel Potter, po. lo. ſuo* A. B. *Attorn. ſuum ad proſequend. Breve de Con. verſ. Willielmum Owen de Terris & Tenementis in* S. &c. Warrant of Attorny.

This Warrant of Attorny you are to file with the Clerk of the Warrants, who will ſign your Writ of Covenant. Warrant filed.

Then file the Writ of Covenant and Precipe and Concord together, and carry them to his Office, who is to return Writs of Covenant, who will return and ſign the Writ of Covenant with his Stamp. Writ of Covenant returned.

From thence carry it to the *Cuſtos Brevium*, who makes his Entry thereof upon the Rolls, and will indorſe upon the Writ when the Proclamations are to be made. Cuſtos Brevid. Proclamations indorſed.

From thence to the Kings Silver Office, who will perform what belongs unto it there; and being once diſpatched this Office, it is then a Fine in force of Law; afterwards carry it to the Chirographer, and there the Clerk who belongs to the County where the Lands do lie, will make the Indentures of the Fine, and then it is finiſhed. Kings Silver Office. Fine of force in Law. Chirographer.

How to acknowledge a Fine at the Bar.

YOU muſt firſt make your Precipe in Paper for the Curſitor of the County to make the Writ of Covenant, and having receiv'd it from him ſealed, then write a Precipe Writ of Covenant.

Precipe and Concord delivered to a Serjeant at Law.

and Concord thereof in Parchment, and deliver them all to one of the Serjeants at Bar, the Cognizors being also present.

Appearance of Cognizors recorded.

Then the Serjeant will desire the Justices to record the Appearance, which being granted the Serjeant saith,

Deniers le Roy & Royne.

Then answereth the second Prothonatary, or his Clerk,

Que Donera.

Then the Serjeant will answer thus,

Cestuy que avera.

Then the second Prothonatary or his Clerk answereth again,

Trahes le Paix.

The Concord in French. Examination. Note, A Feme Covert ought not to be examined upon any Fine, but where she and her Husband do pass some Estate or Interest or release her right by Fine of the Lands and Tenements, *Co. Lit.* 353.

Then the Serjeant will say, *Ove voſtre Conge la Paix eſt tiel, ſcilicet,* &c. reciting in French the substance of the Concord, with relation to the Lands in the Precipe. And after that, if any of the Cognizors be Feme Covert, or Married Woman, the Serjeant will direct her to go up to the Puisne Judge, to the Bench, to be examined of her consent to part with her right in the Land, if whether she do it freely, or by compulsion, and then the Judge taketh the Concord, in Parchment, and reads her the Contents, and examineth her privately apart; and that done, she delivers it to the Prothonatary to be recorded.

Fees of Court.

After it is recorded you must pay the Fees of the Court, and then take the Precipe and Concord and file it to the Writ of Covenant, and pass it through the several Offices as before directed in case of acknowledgment before the Lord Chief Justice.

The

The manner of acknowledging and levying a Fine before Commissioners.

Precipe for a Dedimus.

DRaw your Precipe and Concord in Paper, which with the Commissioners Names, (one thereof must be a Knight,) you must deliver to the Cursitor of the County, who will thereby make out your *Dedimus Potestatem*, and get it sealed for you.

Dedimus delivered to the Commissioners

Then deliver the *Dedimus Potestatem* to the Commissioners, with the Precipe and Concord ingrossed in Parchment, with Wax and Seals unto it.

* Lex Regia, That where the Right of the Wife shall pass by Fine from her, she is to be examined, but if nothing is moved in the Fine but only that they two do take an Estate by it, this will not conclude, and therefore she is not to be examined.

The Commissioners ought to take care that they know the Cognizors, and their fitness and capacity to be so; and if * Husband and Wife be Cognizors, she ought to be examined solely and apart, whether she does it of her own free will, or by threats and compulsion.

The Cognizance being taken, the Commissioners must † return the *Dedimus Potestatem* thus, *viz.*

† Return of Dedimus.

Executio istius Commissionis patet in quadam Schedula huic Commissioni annex.

And then filing the Concord to the back of the *Dedimus*, the Commissioners must set their Seals to the Concord, and then Hands to the *Dedimus*, under the return thereof.

Caption. The Caption also must be entred under the Concord, and the Commissioners Names subscribed thus,

Capt. & cognit. apud A. *in Com.* B. *decimo sexto die Septembris Anno Regni Domini Willielmi & Dominæ Mariæ nunc Regis & Reginæ Angl.* &c. *quarto coram nobis*
A. B.
C. D.

} The Caption is first in Course.

Your *Dedimus* being returned, carry it to the Cursitor, who will make the Writ of Covenant, and then pass the Fine as before is directed. And note, That if none of the Commissioners who took the Caption was a Knight, you must then draw up a Certificate upon the back of the Concord, and carry it to a Judge of the Common Pleas for his Allocatur.

Certificate.

The form of the Certificate, a Feme Covert being a Cognizor.

A. B. Gent. One of the Commissioners in the Writ of *Dedimus*, named, maketh Oath, that this Fine was duly executed, the Cognizors of full Age, and the Feme Covert (being secretly and apart examined) willingly consented, *A. B.*

Note, The Commissioners are to return their *Dedimus* with the Concord annex'd, within one year next after the taking the same Conusance at farthest; and if they refuse to return or certifie this, the Party grieved by it, may by a Writ called *Cognitionibus admittendis*, or a *Certiorari*,

Certiorari, compel that Commissioner that hath it in his Custody, or his Executor or Administrator (if he be dead) to certifie it, Stat. 23 *El. cap.* 3. *Dyer* 220, 246. 320, *Fitz. N. B.* 147. *Co.* 5. 39.

Next we proceed to the Forms of Precipes and Concords; and first we will observe the Form of each of the four sorts of Fines before mentioned, *viz.*

1. *A Fine sur Cognizance de Droit come ceo*, &c.
2. *A Fine sur Done, Grant & Render.*
3. *A Fine sur Done & Grant tantum.*
4. *A Fine sur Conceſſit.*

Of which in order.

The Form of a *Fine sur Cognizance de Droit come ceo, que il ad de son done*, single.

Precipe A. B. dō fulke &c. tenen. C. D. Conventionem &c. de uno Meſuagio uno Cottagio & decem Acr Paſtur cum ptin in C. Et unde &c.

Et eſt Concordia talis ſcilt dō pred A. recogn Tenementa pred cum ptin eſſe jus ipſius C. ut ill' que idem C. habet de dono pred A. Et ill' remiſit & quiet clam de ſe & heredibus ſuis pred B. & heredibus ſuis imperpetuum Et pterea idem A. conceſſit pro ſe & heredibus ſuis dō ipſi warrant pred B. & heredibus ſuis Tenementa pred cum ptin contra pred A. & hered ſuos imppetuum Et pro hac &c.

Note, The Concord must contain no more Land or other things than are in the Writ of Covenant, as if the Writ be of the Mannor of *D.* only, and the Concord is of the Mannor of *D.* and Mannor of *S.* In this Case the Fine as to the Mannor of *S.* will be voidable, 2 *Co. Inst.* 513.

If a Fine be levied to any Person not named in the Writ of Covenant; as if *A.* be Plaintiff in the Writ of Covenant against *C.* and *C.* levieth a Fine to *A.* and *B.* this is not a good Fine, but avoidable by Writ of Error, 2 *Co. Inst.* 513, 514.

If Rent be reserved upon this sort of Fine, it is void.

The Form of a *Fine sur Done Grant & Render*, otherwise called a double Fine.

Midd' ss. Pecipe A. B. Gen' qd juste &c. ten' C. D. Conventionem &c. de Maner' de E. cum pt'in' &c. Et nisi &c.

Et est Concordia talis scil' qd pred' A. recogn' Manerium pred' cum pt'in' esse jus ipsius C. ut ill' que idem C. habet de dono pred' A. Et ill' remisit & quiet' clam' de ipso A. & heredibus suis pred' C. & heredibus suis imppetitum. Et preterea idem A. concessit pro se & heredibus suis qd ipse warr' Manerium pred' cum pt'in' pat' C. & heredibus suis contra ipsum A. & heredes suos imppetuum. Et pro hac recogn' remissione quiet' clam' warrant' Fine & Concordia idem C. concessit pred' A. pred' Manerium cum pt'in' Et ill' et reddidit in eadem Cur' habend' & tenend' eidem A. & heredibus quos idem A. proctea-

Grant & Render in Tail with divers Remainders over.

verit

verit de corpore F. tunc uxoris ejus tenend de Capitalibus Dominis Feodi ill' p servitia que ad pred Manerium pertinent Et si contigerit qd idem A. obiret sine hered per ipsum de corpore ipsius F. procreat tunc post decessum ipsius A. pred Manerium cum pertin integre remanb pred F. tenend &c. tota vita ipsius F. Et post decessum ipsius F. pred Manerium cum pertin integre remanb rectis hered pred C. tenend &c.

Note, None may take the first Estate by way of Render but the Cognizors or one of them.

If a Grant and Render in a Fine of Land be immediately, *& primo gradu*, to one that is no Party to the Writ, this is not good, but immediately, or *in secundo gradu*, such a one may take, as if two levy a Fine, and the Grant and Render back again is to one of them only, this is good enough, 2 *Co. Inst.* 514.

So if a Writ of Covenant be brought by *A.* against *B.* of the Mannor of *D.* and *B.* levy a Fine to *A. come ceo*, &c. in this Case *A.* may grant or render the same to *B.* for Life, or in Tail, the Remainder to *F.* in Fee; and this is good as in a Deed by way of Remainder, 2 *Inst.* 514. *Bro.* 111, 117, 118.

Note, No single or double Fine may be with a Remainder over to any other Person not contained in it, but it must be to the Conusee and his Heirs only; nor can any Rent be reserved upon a pure Fine *sur Cognizance de Droit come ceo*, but upon a Fine of Grant and Render, and upon *sur Concessit* only; nor may it be on a Condition, 5 *Co.* 38.

Double Fine. *Note*, That by a double Fine, or Fine with Render, almoſt any kind of Contract about Land may be made, and drawn up in form by a Fine of this nature, See *Weſt. Symb.* 2 *part*, *Perk. ſect.* 629. *Bro. Fines* 108.

Render. *Note*, That the Render of a Rent (if any be) muſt be to one of the Parties to the Fine, and not to a Stranger, *Dyer* 63. 39 *Co.* 2. in Lord *Cromwells* Caſe.

Remainder. A Man may not reſerve to himſelf a leſs Eſtate by way of Remainder, than the Fee; as if *A.* levy a Fine of his Land to *B.* and *B.* regrant, and render it to *A.* for Life, this will be void, 14 *H.* 4. 31. 34 *E.* 3. 26. *Dyer* 33, 34, 69.

Condition, Re-entry. That there may not be a Condition or Clauſe of Re-entry for not payment of Rent inſerted into this kind of Contract and Concord; and yet ſome hold that a Fine levied to one in Tail, upon a Condition, with a Remainder over, is good, 1 *Co.* 76. 6 *Co.* 33. 2 *Co.* in *Cromwels* Caſe, *Dyer* 33, 69. See 27 *H.* 8. 84. *Plow.* 34. 24 *E.* 3. 62. Whereby it ſeems a Fine may be levied to one upon Condition, with Remainder, but not with Re-entry.

Note, That a Render of a Concord may not be of any other thing than what is in the Writ of Covenant, unleſs it be of a Rent, or Common iſſuing out of it, 18 *E.* 4. 12.

Example upon this ſort of Fine. But a Fine may be (as hath been ſaid) with a Render back again of ſome Eſtate in the ſame Land that paſſeth by the Fine, or ſome Rent out of it; ſo that in this kind of Fine there may be a Reſervation of Rent, a Clauſe of Diſtreſs,

treſs, or *Nomine pœnæ*, and a Warranty; and therefore if *A.* levy a Fine to *B. ſur Cognizance de Droit come ceo*, &c. and *B.* by the ſame Concord doth grant and render the Land back again to *A.* for Life, without Impeachment of Waſte, the Remainder to *C.* the Wife of *A.* for her Life, the Remainder to *A.* and his Heirs, Joynture.

This is a good Concord, and by this Deviſe a Joynture may be, and is oft-time made for a Woman.

So if *A.* and *B.* his Wife levy a Fine to *A.* in Fee, *ſur Cognizance de Droit come ceo*, &c. and then *A.* rendreth to *I.* for Life without Impeachment of Waſte, the Remainder to *B.* his Wife for term of her Life, the Remainder to *I.* and his Heirs, this is good, *Bro. Fines* 108. To make a Joynture.

And by this Form a Leaſe for Life or Years may be made by Fine with a Render. The Leſſee muſt acknowledge the Land to be the right of the Leſſor that is ſeized of the Land, as that, &c. and then the Leſſor muſt grant and render the ſame back again to the Leſſee (that is Conuſor in the Fine) for Life, or for certain number of Years (as the Agreement is) reſerving Rent with Clauſe of Diſtreſs; and this is a good Fine, and a common Device for this purpoſe; but if the Leſſor be Tenant in Tail, it ſeems this kind of Fine will not bind the Iſſue in Tail. Leaſe for Years, &c.

And yet if *A.* Tenant in Tail, and *N.* do by Fine acknowledge the Land to be the right of a Stranger, as that, &c. and then the Stranger (that is the Cognizee) doth grant and render the To bar the Iſſue in Tail.

the Land again to *N.* for Life or Years, ...dring Rent with Clauſe of Diſtreſs, &c. ...then grant and render the Reverſion to ... Tenant in Tail, this will be a good Fine ... bar the Iſſue in Tail alſo, and will likewiſe ... the Rent and Reverſion to the Tenant in ... alſo, *Bro. Fines* 106, 118. *6 Co.* 33. *1 Co. Plow.* 435. *Dyer* 279. *Perk. ſect.* 629.

Aliter. To have a Leaſe for Years to bind a Ten... in Tail. The Tenant in Tail and the Le... did acknowledge the Tenements to be the ri... of one *A.* a Stranger, who did grant ... render the ſame Fine to the Leſſee for Ye... the Remainder to the Leſſor and his Heirs, ... was with Proclamations; this is a good Leaſe ... bar the Iſſue in Tail, 44 *E.* 3. 45.

Aliter. That by a Fine with a Render a Leaſe ... Years may be made thus alſo. If one that ... Tenant in Tail within 11 *H.* 7. accept of ... *Fine ſur Cognizance de Droit come ceo,* ... and then by the ſame Fine render back ... Land to the Cognizor for 100 Years; this ... be a Diſcontinuance, and bind the Iſſue by ... Statute, 2 *Leon. Caſe* 206.

The Form of a *Fine ſur Cognizance de Droit, tantum.*

Midd' ſſ. PRecipe A. B. & C. uroꝛi ... gō juſte &c. teneant D. E. ... ventionem, &c. de tercia parte trium ... gioꝛ. trium Toftoꝛ. trium Cardinoꝛum ... cent Acr Terre ſeragint Acr Piati & cent...

r pasture cum ptin in F. G. & H. Et
il' &c.

Et est Concordia talis scilt qd ptes A. &
recogn tertiam partem ptis cum ptin
le jus ipsius D. Et concessit qd eadem
rtia pars cum ptin (quam J. K. vir tenet
terminum vite sue de hereditate ipsius C.
e quo hec Concordia facta fuit Et que post
ytem eiusdem J. K. ad ipsos A. & C. re-
ri debuit) reman ptat D. & heredi suis
pperpetuum tenend &c. Et pterea eadem A.
C. concess. pro se & heredibus ipsius C. qd
il warr ptat D. & heredibus suis tertiam
rtem ptis cum ptin sicut ptis est contra
& heredes ipsius C. imperpetuum Et pro
hac &c.

Grant of a third part in Reversion by a Co-partner.

When the words *Come ceo que ill' ad de son lone*, viz. *ut ill' quæ idem* the Cognizee *habet de dono præd.* the Cognizor, are left out in a Fine, and such Fine be levied to him who hath the Freehold of the Land, then it is called (a Fine upon Release) and is to be executed; but if he that acknowledgeth the Fine be seized of the Land, and he to whom it is levied hath not the Freehold of the Land, then it is called a Fine Executory, and must be executed, unless the Party be in possession, and then there needs no Writ of *Habere fac' seisinam.*

A Fine upon a Lease, as it seems, may not enure to an use, that is, It may not be intended to the use of any other but to him to whom it is levied, unless an use be expressed in the Fine,

or

or in another Deed; and if a Disseisor be, the Disseisee levieth a Fine upon a Re thereby the Right is gone, and a Stranger levy such Fine to Tenant for Life, and it be no Forfeiture of his Estate, 3 *Leon.* 36, 3 *Co. Inst.* 36.

The Form of a *Fine sur Concessit.*

Midd. ss. PRecipe A. B. & C. ur' esse juste &c. tenent D. E. Conventionem &c. de duobus Molend centum & seraginta Acr' Terre seraginta Prati & quinquaginta Acr' Pastur cum in F. ac de omnibus decimis Granor' &c de Tenementis prēd' cum ptin' necnon omnibus decimis Lane & Agnorum pr nien' de trescentibus Ovibus depastur' per Terras decimales Manerii de F. nisi &c.

Et est Concordia talis scilt' qd' prēd' C. concesser' Tenementa & decimas prēd' ptin' ptāt' D. Et ill' ei reddider' in cad' habend' & tenend' eidem D. a prīmo Aprilis ult' pterit' usq; finem & termin' naginta & novem annorum extunc pro' quen' & plenar' complend' & finiend' redd' inde annuatim prēd' A. & heredibus suis d' solid' legalis monete Angl' ad Fest' Sa' Michis Archi & Annunciation Beate V' Virginis p' sepales Portiones annuatim s' vend' toto termino prēd' si petatur. Et p' A. & C. & hered' ipius A. warrant' prēd'

Lease for 99 Years *sur concessit.*

Et

enementa & decimas prēd cum ptin (sicut ditum est contra ipsos A. & C. & hered ius A. Et contra omnes al' clamantes per ēd A. toto termino prēd Et p hac &c.

Note, The Render of Rent must be to one the Parties, and not to a Stranger, *Dyer* 63. *Co.* 39.

pon a Lease for Life, for 99 Years if the Cognizors shall so long live.

Et est Concordia talis &c. (as before usq) lenar' complend & finiend si prēd A. & C. ut eorum alter tam diu vixerit vel vixerint vend prout eisdem A. & C. & eorum ivivienti nunc grand piperis annuatim solend ad Fest' (&c.) durand toto termino prēd petatur Et preterea iidem A. & C. warant prēd D. Manū & decimas prēd cū ptin sicut prēd est contra prēd A. & C. & hered & assignos durand vitis ipsorum A. & C. & vita eor' diutius viven Et pro hac &c.

Note, If a Tenant in Tail levy a *Fine sur Concessit* for Life with Proclamations, and the Tenant for Life die; in this Case the Bar of the Fine is determined, *Moo. Case* 1026.

Precipe and Concord with Exception.

PRecipe &c. Con &c. de Rectoria de A. cū ptin except Advocatione Vicar' Ecclesie de A. Et nisi &c.

Et

Et eſt Concordia talis ſcilt qđ pred. J. tagit Recogniam pred cum pertin (except except) eſſe jus &c. Et ill remiſſ. (except percept) Et preterea idem (concell. pro ſe (&c.) qđ ipſi warr (&c.) recogniam predict cum pertin (except percept) &c.

Note, The only Court of *Weſtminſter* ſuing out Fines, is the Court of Comm Pleas, and thither they muſt be certified.

Alſo by the Stat. 2 *E.* 6. *cap.* 28. Fines be levied in the County Palatine of *Cheſter*.

And by 37 *H.* 8. *cap.* 19. Of Lands in County Palatine of *Lancaſter*.

And by 5 *Eliz.* *cap.* 27. Within the Cou Palatine of *Dureſme* alias *Durham*.

And if any other Perſons, than ſuch as before mentioned, ſhall take the Cognizance or record Fines; or if they be levied in other Court, or otherwiſe than as is before forth, they will be void, or voidable at the for Error, 2 *Inſt.* 514, 515. Stat. 2 *E.* 6. *cap.* 37 *H.* 8. *cap.* 19. 5 *Eliz.* *cap.* 27.

See the divers Forms of Precipes and Co tracts following.

Divers

Divers Forms of Concords.

By one to one of a Meſuage and Lands.

Wilts ſſ. PRecipe Willielmo Owen qđ juſte &c. teneat Samuelí Pot- Conventionem &c. de uno Meſuagio duo- is Garvinis viginti Acris Terre decem Acris Prati & decem Acris Paſture cum pet- in S. Et niſi &c.

Et eſt Concordia talis ſcilt qđ predictus Willielmus recogn̄ predict Tenementa cum ptin̄ eſſe jus ipſius Samuelis ut ille qđ dem Samuel habet de dono predicti Willi & ille remiſit & quiet clam de ſe & heredibus ſuis Samuelí & heredibus ſuis imper- petuum Et preterea idem Willus conceſſit pro ſe & heredibus ſuis qđ ipſi Wal. pre- dicto Samuelí & heredibus ſuis predicta Te- nementa cum ptinenciis contra ipſum Wil- lielmum & heredes ſuos imppetuum Et pro hac &c.

If a Fine be levied *come ceo que ill' ad de ſon done*, hereby a Fee-ſimple will paſs without any word of Heirs; and ſo alſo it is in the Caſe of a Common Recovery, *Co. Lit. 9.*

By

By one to two of a Meſſuage, Lands and Common.

Hertf. ff. PRecipe Benjamino Thompſon juſte &c. teneat Henrico Jo & Roberto Norris Conventionem &c. de bus Meſuagiis quinq; Gardinis centū Ac Terre & ducentis Acris Boſci & Commu Paſture p omnimodis Averiis cum ptin H. & B. Et niſi &c.

Et eſt Concordia talis ſcilt qđ pred Be jaminus recogn̄ pred Tenementa & Co muniam cum ptin eſſe jus ipſius Henrici ilt que idem Henricus & Robtus habent dono predicti Benjamini Et ilt remiſ quiete clam̄ de ſe & heredibus ſuis predic Henrico & Robto & heredib9 * ipſius Henr imppetuum Et pterea idem Benjamin conceſſit p ſe & heredibus ſuis qđ ipſi v predictis Henrico & Robto & heredibus ipſ Henrici predicta Tenementa & Commun cum ptin contra ipſum B. & heres ſuos i perpetuum Et p hac &c.

* If the Cognizees be joynt Purchaſers, it is ſaid *hæredibus ſuis* inſtead of the Heirs of one of them.

If a Fine be levied to two, *& hæredibu* without the word *ſuis*, this will be void for in certainty in a Fine as in a Deed, 37 *H.* 6. 5.

By

By two to two of a Mannor, Lands, Rent and Common, with Warranty againſt the Cognizors and the Heirs of one, & the Cognizees and the Heirs of one.

Somſet. ſſ. Precipe T. L. Ar & W. N. Gen qđ juſte &c. teneant P. P. & S. D. Conventionem &c. de Manerio de D. cum ptin ac de ſeptem Meſuagiis duobus Toftis uno Molendino duobus Columbar decem Gardinis quingent Acris Terre tem cum Acris Pſtur parentis Acris Paſture viginti Acris Bolci centum Acris Bruere duc Acr Moze quadraginta Acris Juncaris viginti Acris Mariſci decem Acris Alneti duodecim Acris Ruſcarie viginti ſolidat redd & Communia Paſture p omnimoð averiis cum ptin ſic D. E. & D. Et mil &c.

Et eſt Concordia talis ſcilt qđ Dolet T. & W. recogn Dicta Manerium Tenementa reddit & Communiam cum ptin eſſe jus ipſius P. ut ill & que idem P. & S. habent de dono Dictorum T. & W. Et ill remiſerunt & quiete clam de ipſis T. & W. & heredibus ipſius W. Pat P. & S. & heredibus ipſius P. imppetuum Et Preterea idem T. & W. conceſſerunt pro ſe & heredibus ipſius T. qđ ipſi warant Dictis P. & S. & heredibus ipſius P. Dicta Manerium Tenementa reddit & communiam cum ptin contra ipſos T. & W. & hered ipſius T. imppetuum Et p hac &c.

By two with ſeveral Warranties.

Et eſt Concordia talis ſcilt qꝫ ꝑdict S. &
R. recogn̄ ꝑdict Tenementa cum ꝑtin̄ eſſe
jus ipſius A. ut ill̄ que idem A. habet de
dono ꝑdict S. & R. & ill̄ remiſerunt & quiet
clam̄ de ipſis S. & R. & heredibus ſuis ꝑdict
A. & heredꝫ ſuis imppetuum. Et ꝑterea idem
S. conceſſit ꝓ ſe & heredibus ſuis qꝫ ipſe
warr ꝑdicta A. & heredꝫ ſuis ꝑdicta Tenem̄ta
cum ꝑtin̄ contra ipſum S. & heredꝫ ſuos im-
perpetuum. Et ulli⁹ idem R. conceſſit ꝓ
ſe & heredibus ſuis qꝫ ipſi warrant ꝑdict S.
& heredibus ſuis ꝑdict Tenementa cum ꝑtin̄
contra ipſum R. & heredꝫ ſuos imperpetuum.
Et ꝓ hac &c.

Capt̄ & cogn̄ ꝓximo die Pasch Anno
Regni Regis Caroli ſcꝯi viceſimo
ſecundo coram
Jo. Vaughan.

By Husband and Wife.

Berks. ſſ. Præcipe R. F. & A. uxori ejus ſi
juſte &c. teneant I. D. Conven-
tionem &c. de duobus Meſuagiis duobus Cot-
tis quatuor Acris Terre &c. cum ꝑtin̄ in G.
Et niſi &c.

Et eſt Concordia talis ſcilt qꝫ ꝑdict R. &
A. recogn̄ ꝑdict Tenementa cum ꝑtin̄ eſſe
jus ipſius D. ut ill̄ que idem D. het de dono
ꝑdict

ꝑdict R. & A. Et ill̃ remiſ & quiet clam̃ de ipſis R. & A. & hered̃ ipſius R. ꝓfat D. & hered̃ ſuis imꝑpetuum Et ꝓterea iidem R. & A. conceſſerunt p ſe & heredibus ipſius R. q̃d ipſi war ꝑdict D. & heredibus ſuis ꝑdict Tenementa cum ꝑtin̄ contra ipſos R. & A. & hered̃ ipſius R. imperpetuum Et ꝓ hac &c.

Of the Husband and Wife of the Wives Land.

Oxon̄ ſſ. Præcipe E. T. & M. uxori ejus q̃d juſte &c. teneant H. L. Conventionem &c. de viginti & quatuor Acris Terre triginta Acris Boſci &c. cum ꝑtin̄ in D. Et niſi &c.

Et eſt Concordia talis ſcilt q̃d ꝑdict E. & M. recogn̄ ꝑdict Tenementa cum ꝑtin̄ eſſe jus ipſius H. ut ill̃ que idem H. het de dono ꝑdict E. & M. Et ill̃ remiſer & quiet clam̃ de ipſis E. & M. & hered̃ ipſius M. ꝓfat H. & hered̃ ſuis imperpetuum Et ꝓterea iidem E. & M. conceſſerunt ꝓ ſe & heredibus ipſius M. q̃d ipſi war ꝑdict H. & hered̃ ſuis ꝑdict Tenementa cum ꝑtin̄ contra ꝑdict E. & M. & hered̃ ipſius M. imperpetuum Et ꝓ hac &c.

A Leaſe for Years by Fine *ſur Conceſſit.*

Buck. ſſ. Præcipe T. B. q̃d juſte &c. teneat G. R. Conventionem &c. Et eſt Concordia talis ſcilt q̃d ꝑdict T. concellit

ꝑdict' G. ꝑdict' Tenementa cum ꝑtin' hen
& tenend' ꝑdict' Tenementa eid' G. & Assign
suis a Festo Sancti Michaelis Archi ultim
ꝓterito usq; finem & terminum viginti
unius annorum extunc ꝓx' sequen' & ple
narie complend' reddend' inde annuatim tot
termino ꝑdict' ꝓfat' C. & hered' suis dece
libras legalis monet' Angl' ad Festum An
nunciationis Beate Marie Virginis & Sanc
Michaelis Archi p equas & equales ꝓtione
solvend' Et si contingat ꝑdict' reddit' aretr
fore in parte vel in toto post aliquod Festum
Festorum ꝑdict' non solut' tunc licebit ꝑdict'
T. & heredibus suis in ꝑdicta Tenement
cum ꝑtin' intrare & distringere Districtio
nesq; ibidem capt' abducere effugare & asport
tare ac penes se retinere quousq; eis de ꝑdict'
reddit' & arreragiis eiusdem plenarie fuit sa
tisfact' & solut' Et ꝓtea idem T. & hered' su
warant' ꝑdict' G. & Assign' suis Tenement
ꝑdict' cum ꝑtin' contra ipsum T. & hered' suos
toto termino ꝑdict' Et p' hac &c.

Quere if this will bar the Issue in Tail, *Plow.* 455. *Brook Fines* 116, 118.

Aliter.

The Lessee must acknowledge the Lands, &c. to be the Right of the Lessor, as that, &c. and then the Lessor must grant the same back again to the Lessee for the years agreed upon, reserving a Rent, with Clause of Distress, and Warranty in Form following:

Glouc'

Glouc' ſſ. PRecipe T. P. Gen & W. C. qđ juſte &c. teneant J. W. & E. P. Con &c. Et eſt Concordia talis ſcilt quod ꝑdict T. W. recogn̄ ꝑdict tenta cum ptin̄ eſſe jus ipſius J. ut ill̄ que iidem J. & E. habent de dono ꝑdict T. & W. Et ill̄ remiſerunt & quiete clam̄ de ipſis S. & W. & hered̄ ipſius T. ꝑfat J. & E. & hered̄ ipſius E. imperpetuum Et ꝓterea iidem T. & W. conceſſer ꝓro ſe & hered̄ ipſius T. quod ipſi warant̄ ꝑdict tenta cum ptin̄ ꝑfat J. & E. & hered̄ ipſius J. contra omnes homines imperpetuum Et ꝓro hac recognitione remiſſione quiete clam̄ warantia fine & concordia iidem J. & E. conceſſer ꝑfat T. ꝑdict tenementa cum ptin̄ & ill̄ ei reddider̄ in eadem Cur̄ habend̄ & tenend̄ ꝑdict tenementa cum ptin̄ ꝑfat T. & aſſign̄ ſuis a Feſto, &c. (ut ſupra.)

Or thus to bind the Iſſue in Tail.

The Tenant in Tail and the Leſſee to acknowledge the Lands, &c. to be the right of of a Stranger, as that, &c. And the Cognizee to grant and render the Lands to the Leſſee for certain Years, yielding Rent with a certain Clauſe of Diſtreſs, and then grant the Reverſion to the Tenant in Tail, (*Brook Fines* 118.) in form following:

South' ſſ. PRecipe C. C. Gen & R. B. quod juſte &c. teneant P. P. Con-

ventionem &c. Et est Concordia talis scil quod dict C. & R. recogn dict tenemen cum ptin esse jus ipsius Y. ut ill &c. E ill remis &c. Et pro hac recogn &c. dict Y. concessit pfat R. dict tenta cum ptin Et ill ei reddidit in eadem Cur habend tenend dict tenta cum ptin pfat R. & a sign suis a Festo &c. Reddend &c. Et si con tingat &c. quousqz &c. satisfact & solut Concessit etiam dict Y. pfat C. tam re versionem dictorum tenementorum cum pe tin quam dictum redditum duoderim libra rum superinde reservat Et ill ei reddidit i eadem Cur habend tenend & scipiend dict reversionem tenementorum dictorum cum ptin & reddit dict pfat Y. & hered suis im ppetuum &c.

The like of Rent with *Nomine Pœnæ.*

Et si contingat dict redditum decem li brarum aut aliquam inde pcellam arerro fore post aliquod festum Festorum dictorum non solut p spacium quadraginta dierum tunc dict R. forisfaciet dict J. & T. & heredi bus ipsius J. centum solidos Nomine Pœn Et tunc bene licebit dict J. & T. & heredi bus ipsius J. in dict tenta cum ptin in trare & distringere districtionesqz ibm Capt abducere effugare & asportare ac penes se re tinere quousqz tam de dict reddit decem li brarum quam de dict pena centum solidor Nomine Pœne cum arreragiis forsunde ple nar fuit satisfact & psolut &c.

Clause

Clauſe of Re-entry cannot be in a Fine.

Warranties be ſometimes general, viz. contra omnes homines. Sometimes againſt all except ſome Perſons, ſometimes againſt ſome Perſons only, ſometimes againſt every Cognizor and his Heirs ſeverally, and ſometimes againſt one of the Cognizors and his Heirs only, &c.

From one and his Wife, to one of a Mannor, Meſſuages, Dove-houſe, Gardens, Orchards, Land, Meadow and Paſture, Wood, Furze and Heath, Common of Paſture and Turbary, Free Foldage, and View of Frank-Pledge.

Norff. ſſ. Præcipe R. D. alias W. Arch & Elizabethe uxori ejus quod juſte &c. teneant J. M. generoſo conventionem &c. de Manerio de T. alis &c. ac de decem Meſuagiis uno Columbar decem Gardinis decem Pomariis mille Acris Terre viginti Acris Prati centum Acris Paſture centum Acris Bolci duocentis Acris Turpiorum & Bruere Communia Paſture pro omnimodis averiis Communia Turbarie Libertate Faldagii & Viæ Franc Plegii cum pertin in T. alis &c. Et niſi &c.

Et eſt Conventio talis fecit quod prædict W. & E. recognoverunt prædict Manerium Meſuagia Communiam Libertat & Viæ Franc plegii cum

ptiñ esse jus ipsius J. ut ill' que idem habet de dono pdict R. & C. Et illa remi serunt & quiete clamaverunt de ipsis R. D. C. & heredibus suis pfat J. & heredibus sui imppetuum. Et pterea pdict R. & C. con cesserunt pro se & hered ipsius R. qđ ipsi pdicto J. & heredibus suis predicta Manet Tenementa Communias Libertat & Vi Franc pleg cum pertiñ contra predictos R & C. & hered ipsius R. imperpetuum. Et hac &c.

Capt & cognit xviii die Septembr Anno Regni Regis Caroli secundi duodecimo coram

Robert Hyde.

From one and his Wife, to two, of Messuages, Cottages, Tofts, a Dove-house, Gardens, Orchards, Land, Meadow, Pasture, Wood, Furze and Heath, Rent, Court-Leet, and View of Frank-pledge, and of the Moiety of a Mannor, with Warranty against the Heirs of the Man.

Hereff. ff. Precipe R. Y. Generoso & Anne uxori ejus quod juste &c. teneant J. Y. Gent & G. L. Gen Conventionem &c. de sex Mesuagiis sex Cotagiis sex Toftis uno Columbar duobus Gardinis duobus Pomariis trescentis Acris Terre centum Actis Prati ducentis Acris Pasture viginti Acris Bosci viginti Acris Jampnorum & Bruere viginti solidat redditus Cur vel & Vie

Franc

franc' plēg cum ptin̄ in parva E. als M. A. [illegible] & M. ac de medietate Manerii de M. [illegible] Et [illegible] li &c.

Et est Concordia talis scilt quod pdict R. [illegible] A. recognoverunt pdict tenementa Cur' [illegible] Mic' Franc' plēg & medietatem pdictam [illegible] m ptinentiis esse jus ipsius J. ut ill' que [illegible] dem J. & G. habent de dono pdictorum R. [illegible] A. Et ill' remiserunt & quiet' clamaver' [illegible] e ipsis R. & A. & hered' suis pdict' J. & G. [illegible] hered' ipsius J. imperpetuum. Et pterea [illegible] dicti R. & A. concesserunt pro se & hered' [illegible] ipsius R. quod ipsi war' pdictis J. & G. & [illegible] ered' ipsius J. pdicta tenementa Cur' Let' Mic' Franc' plēg & medietatem pdictam cum [illegible] ptin̄ contra pdict' R. & A. & hered' ipsius R. [illegible] mpetuum. Et p hac &c.

Capt' & cognit' (ut supra)

From one to two of Land, Meadow and Pasture with general Warranty.

Cantabr' ff. PRecipe J. H. Armigero quod [illegible] juste &c. teneat T. C. Armigero & Jo. L. Clerico Conventionem &c. de triginta Acris Terre decem Acris Prati & decem Acris Pasture cum ptin̄ in S. & F. Et nisi &c.

Et est Concordia talis scilt q̄ predictus J. recognovit pdicta tenementa cum ptin̄ esse jus ipsius T. ut ill' que idem T. & Jo. habent

habent de dono ꝓdicti Ja. Et ilr remis
quiete clamavit de se & heredibus suis p
T. & Jo. & hered ipsius T. imppetuum
Pterea ꝓdict Ja. concessit p se & heredi
suis qd ipsi war ꝓdictis T. & Jo. & he
ipsius T. ꝓdicta tenementa cum ptin con
ipsum Ja. & hered suos imppetuum Et
hac &c.

Capt & rognit (ut supra.)

From one and his Wife to one of a Mann
Land, Meadow and Pasture upon a Gr
for 99 Years without impeachment of Wa
rendring a Pepper-Corn, with Warra
against the Heirs of the Man.

Somſ. ſſ. PRecipe R. B. & M. uroꝛi e
quod juste &c. teneant E. B. A
migero Conventionem &c. de Manerio de
cum ptin ac de ducentis Arcis Terre t
scentis Acris Pꝛati & ducentis Acris Pastu
cum ptin in M. Et nisi &c.

Et est Concoꝛdia talis scilt qd ꝓdicti R.
M. concesserunt ꝓdicto E. ꝓdicta Manerium
& Tenementa cum ptin habendum & tene
dum ꝓdicta Manerium & Tenementa cu
pertin ꝓdicto E. a Festo Sancti Michael
Archangeli pꝛox' ꝓterito usq finem termi
nonaginta & novem annoꝛum extunc pꝛo
sequen & plenar complend ablq impet
tione alicujus vasti Reverens inde annuati
ꝓdictis R. & M. & heredibus ipsius R. unu

Gzanum

Johannum Piperis ad Festum Natiuitatis Sancti Johannis Baptiste si petatur Et pred̄ E. & H. & hered̄ ipsius R. war' pred̄ E. pdicta Tenementa cum pertin̄ sicut pdictum est contra pdictos R. & H. & heredes ipsius R. toto termino pdicto Et pd̄ &c.

Capt & cognit (ut supra.)

From one and his Wife, to two, of the Moiety of a Moiety of twenty Acres of Meadow, and ten Acres of Pasture.

Civit' Coventr' ff. Pcepe Johanni Sellet Generoso & Durozi ejus q̄s juste &c. teneant H. L. & J. H. Conventionem &c. de medietate medietatis viginti Acrarum pati & decem Acrarum Pasture cum pertin̄ in Civitate Coventrie. Et nisi &c.

Et est Concordia talis scilt q̄s pdicti J. S. & D. recognoverunt pdictam medietatem cum pertin̄ esse jus ipsius H. ut illam quam tenent H. & J. H. habent de dono pdictorum J. S. & D. Et ill̄ remiserunt & quiet clam̄ de se & J. S. & D. & heredibus suis pdict H. & J. H. & hered̄ ipsius H. imperpetuum Et preterea iidem J. S. & D. concesserunt pro se & hered̄ ipsius J. q̄s ipsi war' pdictis H. & J. H. & heredi ipsius H. pdictam medietatem cum pertin̄ contra pdictos J. S. & D. & heredes ipsius J. ac contra heredes A. S. defunct matris ipsius

J. ac

J. ac W. S. defunct Avi ꝓdicti J. ac co
omnes alios clamantes per ꝓdictos J. S
D. A. & W. aut eorum aliquem impetu
Et ꝓ hac &c.

Capt & cognit (ut supra.)

From one and his Wife, and two others, one of a Mannor, Tenements, Rent and Co mon of Pasture.

Northt' ss. PRecipe J. G. Armigero & uxori ejus J. M. Generos R. C. Generoso quod juste &c. tenl J. L. liti & Baronetto Conventionem &c. de A nerio de R. cum ptin ac de ser Meluag quatuor Cottagiis duobus Molendinis Columbar ser Gardinis ser Pomariis q ꝺringentis Acris Terre viginti Acris P octoginta Acris Pasture quatuor Acris B quaꝺraginta Acris Jampnorum & Bru quinquaginta solidat reddit reddit duor ponum & Communia Pasture ꝓ omnimo averiis cum ptin in R. alias &c. S. H. J A. parva Et nisi &c.

Et est Concorꝺia talis scilt quod ꝓd J. G. & E. J. M. & R. recogn ꝓdict Mar rium Tenementa reꝓt & Communiam P sture cum ptin esse jus ipsius J. L. ut il que idem J. L. habet de dono ꝓdictorum J. G & E. J. M. & R. & illi remiserunt & quie clamaverunt de ipsis J. G. & E. J. M. & R & heredibus suis ꝓdicto J. L. & heredibus sui

im

ppetuùm Et ꝓterea iidem J. G. & E. con-
llerunt ꝓ̃o se & heredibus ipsius J. quod
si war ꝓdicto J. L. & heredibus suis ꝓdicta
anerium Tenta reddit & Communiam Pa-
re cum ꝓtin̄ contra ꝓdictos J. G. & E. &
reds ipsius J. imppetuum Et ulterius idem
M. concellit ꝓ̃o se & heredibus suis qd̄ ipsi
ꝓdicto J. L. & heredibus suis ꝓdicta Pa-
rium Tenementa reddit & Communiam
alture cum ꝓtin̄ contra ꝓdictum J. M. &
reedes suos imppetuum Et etiam idem R.
urellit ꝓ̃o se & heredibus suis qd̄ ipsi war
dicto J. L. & heredibus suis ꝓdicta Panium
enta reddit & Communiam Pasture cum
tin̄ contra ꝓdictum R. & heredes suos imp-
tuum Et p̄ hac &c.

apt & cognit p̄ ꝓdictos J. G. & E. vicesimo ꝓ̃imo die Januarii Anno Regni Regis Caroli scōi duodecimo cozam

G. P.
I. A.

Per spec Dedimus Potestatem Teste 8 die Januarii Anno 12 Caroli secundi.

apt & cognit p̄ ꝓdictos J. M. & R. C. ꝓ̃imo die Febꝛuarii Añ Regni Regis Caroli scōi tertio decimo cozam

T. G.
T. B.

A Precipe of Stables (among other things)

Midd' ff. PRecipe Georgio Wright & Eli
bethe uxori ejus qũ juste &c.
neant Roberto Horsley Conventionem &c.
duobus Mesuagiis tribus Stabulis & duo
Gardinis cum ptin in Parochia Sancti G
dii in Campis Et nisi &c.

Et est Concordia talis scilt qũ Predicti
& E. recogn̄t predicta Tenementa cum per
esse jus &c. (ut supra.)

A Precipe of Rent issuing out of a Rectory

London ff. PRecipe E. D. vidue & J. B. &
uxori ejus quod juste &c. t
W. B. Cond &c. de annuali reddit vigint
duarum librarum exeun de Rectoria Pa
chie Sancti Buttolphi extra Aldgate cum
tin Et nisi &c.

Et est Concordia talis scilicet quod Pre
E. J. & E. recogn̄t predict reddit esse jus &c.
in &c.

Another of the same.

Lincoln ff. PRecipe A. B. qũ juste &c. t
J. C. Cond &c. de annuali re
dit 61. 12 s. 8 d. exeun de Rectoria de Hor
stone cum ptin Et nisi &c.

A Precipe of Rent iſſuing out of divers Mannors.

omerſ. ſſ. PRecipe H. S. quod juſte ꝛc. tend R. B. Coñ ꝛc. de annuali red 13 l. 19 s. 8 d. ꝛcreun de Manerijs de alton Chedder & Stowey cum ꝑtin Et ſi ꝛc.

of a Mannor, Tenements, Common of Paſture for all manner of Cattle, and of the Advowſon of the Church of S. with Warranty againſt all Men.

incoln ſſ. PRecipe Robto Thorowgood Generoſo & Anne uxori ejus quod ite ꝛc. teneant Richardo Wherbrook Conentionem ꝛc. de Manerio de S. cum ꝑtin de duobus meſuagijs ſeptem Cottagijs no Columbar' duobus Gardinis duobus Pomarijs ducentis & viginti Acris Terre quadraginta & quinq; Acris Prati quinquaginta quinq; Acris Paſture & Communia Paſture no omnibus averijs cum pertin in S. Acciam de Advocatione Eccleſie de S. Et niſi ꝛc.

Et eſt Concordia talis ſcilt quod ꝓdicti Robtus & Anna recogn ꝓdicta Manerium Tenementa & Communiam Paſture cum ꝑtin & Advocationem ꝓdictam eſſe jus ipſius Richardi ut ill que idem Richardus habet de dono ꝓdictorum Roberti & Anne Et ill remiſerunt

miſerunt & quiete clamaverunt de ſe & h
redibus ſuis ꝓdco Richardo & heredibus ſ
imppetuum Et ꝓterea idem Robertus
Anna conceſſerunt ꝓo ſe & heredibus ipſ
Anne qđ ipſi war ꝓdco Richardo & here
bus ſuis ꝓdcta Manerii Tenementa & Co
muniam Paſture cum ꝑtin ac Advocatio
ꝓdctam contra omnes homines imppetu
Et ꝓ hac &c.

Capt & cognit nono die Februarii
Anno Regni Regis Caroli ſcdi
decimo ctio coram me
Orl. Bridgman.

Of a Mannor, Scite of a Mannor, Tenemen
Court-Leet, Court-Baron, View of Fran
Pledge, Rectory, and of all manner of Tyth
Oblations, Obventions, Penſions and Por
ons belonging to the ſaid Rectory, and
the Advowſon of the Vicaridge of the Chu
of *T.* from four to one, with Warranty
the firſt Cognizor againſt all Men, by
ſecond againſt him and his Heirs, and by
two laſt being Husband and Wife, again
them and the Heirs of the Wife.

Cantabr' ſſ. PRecipe R. C. Armigero E. C
ſacre Theologie Doctoꝛi & C
C. Armigero & M. uxoꝛi ejus quod juſte
teneant G. D. Milit Conventionem &c.
Manerio de E. H. cum ꝑtin ac de Scit
Manerii de E. H. cum ꝑtin aceriam de
ginti Meſuagiis quinque Cottagiis viginti
Gardinis

Garbinis viginti Pomariis septingentis Acris Terre centum Acris Prati quadringentis seraginta & quatuor Acris Pasture quinquaginta Acris Bosci Cur Let Cur Baron & Uis Franc pleg cum ptin in E.H. G. H.E. T. & P. Ac de Rectoria de T. cum ptin Ac de omnibus & omnimodis decimis Oblationibus Obventionibus Pensionibus & Portionibus eidē Rectorie spectand sive ptinend Acetiam de Advocatione Vicarie Ecclesie de T. Et nisi &c.

Et est Concordia talis scilt qd dicti R.E. & E. & H. recogn dicta Pañr Scitū Tenementa Cur Let Cur Baron Uis Franc pleg Rectoriam Decimas Oblationes Obventiones Pensiones & Portiones cum ptin ac Advocationem dict esse jus ipsius G. ut ill que idem G. habet de dono dictorum R. E. & E. & H. Et ill remiserunt & quiete clamaverunt de se & heredibus suis dicto G. & heredibus suis imppetuum Et pter ea idem R. concessit pro se & heredibus suis qd ipse & dicto G. & heredibus suis dicta Manum Scitū Tenementa Cur Let Cur Baron Uis Franc pleg Rectoriā Decimas Oblationes Obventiones Pensiones & Portiones cum ptin ac Advocationem dictam contra omnes homines imppetuum Et ullius eorum E. concessit pro se & heredibus suis qd ipse & heredibus suis dicta Manum Scitum Tenementa Cur Let Cur Baron Uis Franc pleg Rectoriā Decimas Oblationes Obventiones Pensiones & Portiones

tiones rum ptin̄ ac Advocationem ꝓdict contra ꝓdictum E. & heredes suos imppet am Et etiam idem E. & M. concesserunt se & heredibus ipsius M. quod ipsi war ꝓdi G. & heredibus suis ꝓdicta Pannum Scitu Teneinta Cur Let Cur Warod Vis Fra plej Rectoria Decimas Oblationes Obve tiones Pensiones & Portiones cum ptin Advocationem ꝓdictam contra ꝓdictos E. M. & heredes ipsius M. imppetuum Et p hac &c.

Capt & cognit quinto die Februarii
Anno Regni Regis Caroli secundi
Tricesimo coram me
R. Hide.

Per commiss Teste 24
Jam ejusdem Regis 12

A Precipe of Mannors, Messuages, Cottag Water-Mill for Grain, Dove-houses, G dens, Orchards, Land, Meadow, Pastu Wood, Furze and Heath, Moor, *Land vered with Water*, Rent and Common Pasture.

Staff. ff. PRecipe F. E. Armigero qd ju &c. teneat J. M. Gentlo Co venitionem &c. de Mastis de B. & D. ptin̄ ac de triginta Pedagijs terrem Co gijs una Polendino Aquatico Granario bus Columbar triginta Carvinis trigin Pomariis duabus mille Acris Terre pa tis Actis Pasti quingentis Acris Pa

trescenti

trescentis Acris Bosci mille Acris Jampnor & Bruere mille Acris Moze decem Acris Terre Aqua coopte seraginta solidat Redoit & Communia Pasture pro omnibus aveciis cum ptin in Bidulph Overton Over Bidulph Nether Bidulph Rushton Rushton Grange Stoke & Burshen Et nisi &c.

Et est Concordia talis scilt quod dictus F. recogn predicta Maneria Tenementa & Communiam Pasture cum ptin esse jus &c.

Capt & cognit &c.

A Precipe of Mannors, Messuages, Tofts, a *Wind-Mill*, Dove-houses, Gardens, Land, Meadow, Pasture, Wood, Furze and Heath, and of a Rectory and an Advowson.

Lincoln ss. PRecipe J. L. Militi & W. L. Armigero quod juste &c. teneant G. L. Genolo Mania de H. alias &c. & S. cum ptin ac septuaginta & novem Messuagia Tria Tofta unum Molendinum Centriticum undecim Columbar nonaginta Gardina duas mille quingentas & quadraginta Acras Terre sexcentas Acras Prati mille & seraginta Acras Pasture trescentas & quinquaginta Acras Bosci & centum Acras Jampnorum & Bruere cum pertin in Wonington alias Wunnington Domerby Coringham Springthorpe Gainesborough alias Gainsburgh Wheatcarby alias Wheatburgh & Magna Coringham Acciam Rectoriam

ctoziam de Yonnington alias Yunningto
cum pertin Necnon Advocationem Vicari
Ecclesie de Yonnington alias Yunningto
Et nisi &c.

Et est Concoꝛdia talis scilt quoꝺ ꝓdicti J
& M. recogn̄ ꝓdicta Maneria Tenementa
Rectoziam cum pertin ac Advocationem ꝓ
dictam esse jus &c.

Capt & Cognit &c.

Precipe and Concord where one Cognizo
warrants one part, another warrants anothe
part, and a third another part.

Midd. ss. PRecipe A.B. Gen & C. ux. ejus
D.E. Gen & F. ux. ejus G.
Gen & J. ux' ejus qꝺ juste &c. ten̄ L.M. A
Conventionem &c. de tribus Messuag̃ tribus
hoꝛreis tribus gardinis uno pomario quin
quaginta acris terre decem acris ꝓati tri
ginta acris pasture & decem acris bosci cum
ꝑtin in N. P. & S. Et nisi &c.

Et est Concoꝛdia talis scilicet qꝺ ꝓꝺ
A. & C. D. & F. G. & J. recogn̄ ꝓꝺ tene
menta cum pertin esse Jus ipsius L. ut ill
que idem L. habet de dono ꝓꝺ A. & C.
D. & F. G. & J. Et ill remiss & quiet
clam̄ de ipsis A. & C. D. & F. G. & J.
ꝓfat L. & heredibus suis imperpetuum
Et ꝓterea iidem A. & C. concesser ꝑ se
& hered ipsius A. quoꝺ ipsi warrant unu
messuagium unꝺ hoꝛreꝺ & unꝺ gardinum

parcel

parcel tenementorum pred in N. pred Plak L. & heredibus suis contra pred A. & C. & hered ipsius A. imperpetuum Et etiam iidem D. & F. concels p se & heredibus ipsius D. qd ipsi warrant alterum Mesuagium unum horreum unu gardinu & pred pomariu & pred quinquaginta acr terre decem acr prati criginta acr pasture & decem acr bosci parcel tenementorum pred in Y. pred Plak L. & heredibus suis contra ipsos D. & F. & hered ipsius D. imperpetuum Et ulterius iidem G. & J. concellet p se & hered ipsius G. qd ipsi warrant unu Mesuag unu horreu unu gardinu resid tenementorum pred in S. pred Polck L. & heredibus suis contra pred G. & J. & hered ipsius G. imppetuum Et pro hac &c.

The Form of a Fine levied by Tenants for Life of their Terms. *Sur Conceſſit.*

Midd. ff. Precipe A. B. & C. ux' ejus qd juste &c. teneant D. E. Conventionem &c. de uno mesuagio centum acr terre seragint acr prati octogint acr pastur centum acr bosci centum & vigint acr pampnorum & bruere & communia pasture p omnibus averiis cum pertin in F. Et nisi &c.

Et est concordia talis scilicet qd pred A. & C. concellet Plak D. pred Tenementa & commun pastur cum pertin ac totum & quicquid iidem A. & C. in pred tenementis

communia pastur cum pertin ad term vite ipsor A. & C. & eor alterius diutiu viven habent Et ill eide D. in eadem Cu reddider habend & tenend eidem D. tota vi ipsor A. & C. & eor alterius diutius vive Et pred A. & C. warrant pfat D. pred t rementa & communiam pastur cum pti sicut pred est contra pred A. & C. tota vi ipsor A. & C. & eor alterius diutius vive Et p hac &c.

Fine of a Mannor in Possession and other Lan in Reversion.

Et est Concordia talis scilicet qd pred recogn (&c.) esse Jus ipsius F. de quib idem F. habet pred Maner cum pert duo messuag cum pertin in S. parcel ten mentorum pred de dono pred W. & s remisit (&c.) Et concessit p se & hered sui qd duo mess. cum pertin in R. pred tenement pred que A. B. vid tenet ad te min vite sue de hereditate &c. post decessu ipsius A. B. integre remanr pfat F. R. hered suis tenend simul cum pred maneri & tenement parcel que ei per finem justu remanr de capitalibus dominis &c. Et pr dict W. B. & heredes sui warrant pfat F. & hered suis maneria & tenementa cum pertin sicut dictum est contra omnes homi nes imppetuum Et p hac &c.

From

From a Baron (and his Lady) to a Duke, of a Mannor, Tenements, Rent, Common of Pasture, Free Warren, View of Frank Pledge, Fishing and an Advowson, with Warranty against the Heirs of the Baron.

Ebor' ss. Præcipe T. F. Militi Domino F. Baroni de C. infra Regnum Scotie & A. uxori ejus qũ juste &c, teneant G. Duci de A. conventionem &c. de manerio de S. super D. cum pertiñ Ac de triginta & septem Mesuagiis tribus toftis tribus molendinis aquaticis triginta & ser gardinis triginta & quinq; pomariis sercentis & quinq; acris terre trescentis & octoginta acris prati mille trescentis & octo acris pasture centum acris bosci decem salidat reddit Communia pasture libera warenna & viñ Franc Pleg cum pertiñ in S. super D. C. & E. Acetiam de libera Piscaria in aqua de D. Necnon de Advocatione Ecclesie de S. fuy D. Et nisi &c.

Et est Concordia talis scilicet quod pñ T. & A. recogñ predict Manerium Tenementa reddit Communiam Pasture Warennam Viñ Franc Pleg & Piscariam cum pertiñ ac Advocationem predictam esse Jus ipsius Ducis Ut ill' que idem Dux habet de dono predictorum T. & A. Et ill' remiserunt & quiete clamaverunt de se & heredibus suis predicto Duci & heredibus suis imperpetuum Et preterea iidem T. & A. con-

cesserunt p se & heredibus ipsius T. quo ipsi war predicto Duci & heredibus suis p dicta Manerium Tenementa reddit Com muniam pasture Warennam Vis Franc Pleg & Piscariam cum pertin ac Advocati onem predictam contra predictos T. & A & heredes ipsius T. imperpetuum Et p hac &c.

Capt & cognit &c.

Of a Moiety of two Messuages, a Dove-house two Gardens, two Orchards, and of diver quantities of Land, Meadow, Pasture, Wood, Furze and Heath, and of the Moiety of a Moiety of a Mannor.

Leic' ff. PRecipe Thome Millon qd juste &c. teneat Christophero Park Armigero & Thome Stamp Convencionem &c. de medietate duorum Messuagiorum unius Columbar duorum Gardinorum duorum Pomariorum viginti acrarum terre centum & viginti acrarum prati quadringintarum acrarum pasture quindecim acrarum bosci & seraginta acrarum Jampnorum & hruere cu pertin in Keythorpe Tugby alias Tokeby & Goadby Ac de medietate medietatis Manerii de Keythorpe cum ptin Et nisi &c.

Et est Concordia talis scilt qd pdict Thomas Millon recogn pd medietates cum pertin esse Jus ipsius Christoferi ut ilt que ipsem Christoferus & Thomas Stamp habet

de

dono ꝑdicti Thome Willon Et ill̃ remi-
& quiete clamavit de se & heredibus suis
dictis Chriſtokero & Thome & heredibus ip-
us C. imperpetuum Et ꝓterea idem Tho-
as Willon concessit ꝑ se & heredibus suis
ipſi war ꝓdictis Chriſtokero & Thome
amp & heredibus ipſius Chriſtokeri ꝓ-
tas medietates cum pertin̄ contra ꝓdict̃
homam Willon & heredes suos imperpe-
um Et ꝑ hac &c.

apt̃ & cognit̃ vicesimo die Fe-
uarii Anno Regni Dñi Caroli
ecundi nunc Regis Anglie &c.
ertiodecimo coram me
Orl. Bridgman.

a Meſſuage in *London* from two (*viz.* a Man and his Wife) to one with Warranty againſt the Heirs of the Husband, and againſt the Heirs of his Father and Grandfather, and againſt all other claiming by him, his Father and Grandfather, or any of them.

ndon ſſ. PRecipe J. R. Militi & Baronet & S. uxori ejus qd̃ juſte &c. te-
ant E. W. Conventionem &c. de uno Me-
agio cum pertin̄ in Parochia ſancti Be-
dicti alias ſancti Benetti Gracechurch Et
ll̃ &c.

Et eſt Concordia talis ſcilt̃ qd̃ ꝓd̃ J. & S.
ogn̄ ꝓd̃ Meſuag cum ꝑtin̄ eſſe Jus ipſius E.
ill̃ qd̃ ipſe E. habet de dono ꝓdictor̃ J &
S.

S. Et illud remiserunt & quiete clam
runt de se & heredibus suis ꝓdicto E. & h
dibus suis imppetuum Et ꝓterea iidem
S. concesserunt ꝓ se & heredibus ipsius
ipsi war ꝓdict E. & heredibus suis ꝓdi
Messuagium cum ptiñ contra ꝓdictos J.
& heredes ipsius J. ac contra heredes
Militis & Baronet patris predicti J. &
Armigeri avi ꝓdicti J. defunctorum ac
tra omnes alios clamantes per predict
J. & J. aut eorum aliquem impetuum
ꝓ hac &c.

Capt & cognit ut supra.

Of certain Messuages and fresh Marsh; A Re
ry, and all manner of Tythes, Oblati
Obventions, Portions and Emoluments th
unto belonging. And of the Advowson
a Vicaridge.

Lincoln' ff. Precipe E. B. Armigero
juste &c. teneat T. B.
roso Conventionem &c. de octo Messuag
mille ducentis acris Marisci Frisci cu
tiñ in Wainfleet sancte Marie Ac de
coria de Wainfleet Sancte Marie cu
tiñ Decem omnibus & omnimodis
mis Oblationibus Obventionibus P
nibus & Emolumentis quibuscunq; ꝓ
crescen seu renovan de & in Wainfleet
Marie & Rectorie de Wainfleet Sce Mar
spectan sive ptinen Acetiam de Advoc
Ecclesie de Wainfleet Sce Marie Et p

Et est Concordia talis scilt qd predictus E. cognit predicta Tenementa Rectoriam Decimas Oblationes Obventiones Portiones & emolumenta cum pertin ac Advocationem ecclie esse jus ipsius T. ut ill que idem T. habet de dono predict E. Et ill remisit & quiet clamavit de se & heredibus suis pro se T. & heredibus suis imperpetuum Et insuper idem E. concessit pro se & heredibus suis quod ipsi war predicto T. & heredibus suis predicta Tenementa Rectoriam Decimas Oblationes Obventiones Portiones & emolumenta cum pertin ac Advocationem predictam contra predict E. & heredes suos imperpetuum Et p hac &c.

Capt & cognit ut supra.

Of a Messuage, 2 Gardens, an Orchard, certain Land, Meadow, Pasture and Wood. The first Vesture of 31 Acres of Meadow, and Common of Pasture for 16 Cattle and 700 Sheep.

Wilts' ff. PRecipe W. B. generoso & K. uxori ejus qd juste &c. teneant A. H. Generoso Conventionem &c. de uno Messuagio duobus Gardinis uno Pomario trescentis & octoginta Acris Terre triginta & sex Acris Prati trescentis & triginta Acris Pasture viginti & unius Acr Bosci Prima Vestura triginta & unius Acr Prati & Communia Pasture p sexdecem Averiis & septingentis Ovibus cum ptin in Bratton & Westbury Et nisi &c. Et

Et est Concordia talis scilt qd pdicti
& R. recogn pdicta Tenementa Vestura
Communiam Pasture cum pertin esse
ipsius J. ut ilt que idem J. habet de d
pdictorum W. & R. Et ilt remiserun
quiete clamaverunt de se & heredibus
sius W. pdicto J. & heredibus suis imper
tuum Et preterea idem W. & R. con
serunt p se & heredibus ipsius W. quod
War pdicto J. & heredibus suis pdict
nementa Vesturam & Communiam Pas
cum ptin contra pdictos W. & R. & here
ipsius W. imppetuum Et p hac &c.

Capt & cognit &c. ut supra.

From two Cognizors to one Cognizee, of
tain Tenements and Common of Pasture
Cattle *sans* number, with Warranty aga
the first Cognizor and his Heirs, and ag
the Heirs of his Father, Grandfather, G
Unkle and Great Grandfather, and againſt
others claiming by them or any of them.

Ebor. ss. Precipe J. R. Baront & S. u
eius quod juste &c. teneant J.
Militi & Baronet Conventionem &c. de qu
que Vetuagiis quinque Gardinis centum
cris Terre decem Acris Prati triginta A
Pasture & Communia Pasture p omnimo
Averiis cum ptin in Bently Arkley Stoc
hyroge & Parr Et nisi &c.

Et est Concordia talis scilt quod dict J. . & S. recogn dict Tenementa & Commu- iam Pastur cum ptin esse Jus ipsius J. L. ilt que idem J. habet de dono dō J. R. & . Et ilt remiserunt & quiete clamaverunt se & hered ipsius J. R. dict J. L. & hered is imppetuum Et pterea idem J. R. & S. ntellerunt p se & hered ipsius J. R. qō ipsi dict J. L. & hered suis dō Tenementa Comuniam Pastur cum ptin contra dict R. & S. & hered ipsius J. R. Ac contra he- des J. R. Militis & Baronet defuncti pa- is dō J. Ac contra hered J. R. Armig de- nati Avi dō J. Ac contra hered G. R. Gen oavunculi dō J. Ac contra hered R. R. de- nati Proavi dō J. Ac contra omnes alios amantes p dō J. R. J. R. J. R. & G. R. aut p aliquem imppetuum Et p hac &c.

apt & cognit &c. ut supra.

om four Cognizors to one Cognizee of divers Mannors, the Scites of two dissolved Mona- steries, of divers Mesuages, Cottages, Tofts, a Wind-mill for Grain, certain Gardens, Or- chards, Land, Meadow, Pasture, Wood, Furze and Heath, Marsh, Common of Pasture for all manner of Cattle, free-Fishing, Courts Leet, Courts Baron, and View of Frank-Pledge.

incoln. ss. Precipe F. Domino W. de Y. W. B. Armigero & F. uxori us & E. W. qō juste &c. ten E. T. Conven- nem &c. de Manertiis de B. & S. T. B. &

Y.

y. alias &c. cum ptiñ Ac de scitubus
Monasterior de Bardney & Tupholme
ptiñ Nernon de septuagint & tribus
agiis octoginta & quatuor Cotagiis qui
rim Toftis uno Molendino ventritico se
aginta & tribus Gardinis septuaginta &
bus Pomariis duabus mille & trescentis
tris Terre quingentis Acris Prati mil
trescentis Acris Pasture centum & nona
ta Acr Bolei mille & quingentis Acr Ja
norum & Bruere septingentis & quinqua
ta Acris Parisi Communia Pasture p
nimodis Averiis libera Piscaria in Aqu
Witham Cur Lek Cur Boroñ &
Franc Plegñ cuñ pertiñ in B. N. B.
& Wl. Et nisi &c.

Et est Concordia talis scilt qñ ꝑdict
Wl. & F. & E. recogñ ꝑdict Maneria
Tenementa Communiam Pasture Pisc
Cur Lek Cur Baroñ & Uiis Franc
cum ptiñ esse Jus ipsius E. ut ilt que
E. habet de dono ꝑdictorum F. Wl. &
E. Et ilt remiserunt & quiete clamave
de se & heredibus suis ꝑdict E. & hered
suis imppetuum Et preterea idem F.
tulit pro se & heredibus suis qñ ipsi
predicto E. & heredibus suis predicta Ma
Scilt Tenementa Communiam Pastur
cariam Cur Lek Cur Baron & Uiis F
Plegñ cum ptiñ contra predictum F. &
des suos imperpetuum. Et plcrius i
Wl. & F. concesserunt pro se & heredibus
suis F. qñ ipsi unt predicto E. & hered

is ꝓdicta Maneria Scil Tenementa Com-
uniam Pasture Piscariam Cur Let Cur
aron & Alis Franc Pleg cum ptin con-
a ꝓdict W. & F. & heredes ipsius F. im-
petuum Et etiam eadem E. concessit ꝓa
& heredibus suis qd ipsi Mar ꝓdict E. &
redibus suis ꝓdict Maneria Scil Tene-
nta Communiam Pastur Piscariam Cur
et Cur Baron & Alis Franc Pleg cum
in contra ꝓdictam E. & heredes suos im-
petuum Et ꝓ hac &c.

apt & cognit &c. ut supra.

f divers Mannors, Meſuages, Cottages, Gar-
dens, Orchards, Land, Meadow, Paſture,
Wood, Furze and Heath: As alſo of a Cha-
pel, and the Advowſon of two Churches.

ſſex' ff. PRecipe E. H. Militi qd juste &c.
ten J. M. Gen Con &c. de Ma-
nciis de H. W. alias C. G. F. R. alias &c.
W. alias S. cum ptin Ac de viginti &
uem Meſuagiis treſdecim Cotagiis tri-
nta & ſex Gardinis triginꝭ & ſex Pomariis
lle quingentis & quinquaginꝭ Acris Terr
ntum triginta & quinq Acris Prati mille
cris paſture treſcentis Acris Jampnoꝝ &
Bruere cum ptin in Hemſtead alias Hem-
ſted Bumpſoꝛd magna Bampſoꝛd parva
Aymbish Steeple Bumpſted alias Steeple
Bumpſted Bumpſted St. Helens Finching-
ild Radwinter Aſhton Barkſowe & Ste-
ington Necnon de Capella de Hamſted cum
pertin'

pertin' Acetiam de Advocationibus Eccle
arum de Hampford magna & Hempsted
nisi &c.

Et est Concordia talis scilt qd Dict E. r
cogñ Dict Maneria Tenement & Capell
cum ptin' ac Advocationes Dict esse jus
sius J. ut ilt que idem J. habet de dono
E. Et ilt remisit & quiete clamavit de s
heredibus suis Dict J. & heredibus suis i
ppetuum Et preterea idem E. concessit
se & heredibus suis qd ipsi war' Dict J.
heredibus suis predict Maneria Tenem
ta & Capellam cum ptin' contra predict
E. & heredes suos imperpetuum Et
hac &c.

Capt & cognit &c. ut supra.

From three Cognizors (whereof the two f
are Earls) to one Cognizee with Warra
by the first Cognizor against him and
Heirs, and against the Heirs of his Fath
Mother and Grandmother, and of anot
person, deceased; and against the two ot
Cognizors and their Heirs, and against
others claiming by them or any of them.

Wiltes' ff. PRecipe H. Comiti W. J. Com
ti C. & T. T. Armigero q
fuste &c. teñ J. S. Generoso Convention
&c. de uno Pelvagio uno Cotagio duob
Gardinis duobus Pomariis triginta & n
dem Acris Terre tredecim Acris Prati
tem

em & septem Acris Pasture & Communia Pasture pro omnibus Averiis cum pertin' in D. alias &c. Et nisi &c.

Et est Concordia talis scil' quod predicti Comes Comes & T. recogn' predicta Tenementa & Communiam Pasture cum pertin' esse Jus ipsius J. D. ut ill' que ipse J. habet de dono predictorum Comitis Comitis & T. Et ill' remiserunt & quiete clamaverunt de se & heredibus suis predicto J. D. & heredibus suis imperpetuum Et preterea iidem Comes W. concessit pro se & heredibus suis quod ipsi war' predicto J. D. & heredibus suis predicta Tenementa & Communiam Pasture cum pertinen' contra predictum Comitem & heredes suos Ac contra heredes F. Comitis W. & M. uxoris ejus Patris & Matris predicti Comitis. G. M. Avis predicti Comitis & H. D. Militis defunctorum ac contra predictum Comitem C. & T. & heredes suos ac contra omnes alios clamantes per predictos Comitem Comitem & M. G. H. Comitem & T. aut eorum aliquem imperpetuum Et ulterius idem Comes concessit pro se & heredibus suis quod ipsi war' predicto J. D. & heredibus suis predicta Tenementa & Communiam Pasture cum pertinentiis contra predictum Comitem & heredes suos imperpetum Et etiam idem T. concessit pro se & heredibus suis quod ipsi war' predicto J. D. & heredibus suis predicta Tenementa & Communiam Pasture cum pertin'

contra predictum T. & heredes suos imp
petuum Et pro hac &c.

Capt & congnit p dictos Comi-
tem Wl. & Comitem C. 28 die
Junii Anno Regni Regis Caroli
secundi 13 coram nobis
H. A.
G. T.

Capt & cognit p dictum T. pri-
mo die Julii Anno Regni Regis
Caroli secundi 13 coram
J. S.
J. D.

} Per Deo Pote
Teste 27 die
nii Anno 13 sup
dicto.

From Husband and Wife Cognizors to
Cognizee of the yearly Rent of six Pou
and a Mark, issuing out of several Messua
in *London*, being a Fine *sur concessit*
ninety nine years (if the Wife shall so lo
live.)

London ff. Precipe Willo Pierson & E
zabethe uxori ejus quod s
&c. red Roberto Smith Armigero Co
clonem &c. de Annuali Redditu sex Lib
trecentis Solidos & quatuor Denario
ereund de quatuor Mesuagiis cum pertin
in Parochia Sancti Johannis Evangeli
Et nisi &c.

Et est Concordia talis scilt quod pred
Willis & Elizabetha concesserunt pred
Robert

Robto ꝑdict Reddit̃um habend̃ & ꝓcipiend̃ ꝑdict Reddit̃um eidem Robto a Festo Sci Michaelis Archangeli ult̃ ꝓxim̃ usq; finem termini nonaginti & novem annorum extunc ꝓxim̃ sequen̄ & plenarie complend̃ (si ꝑdict Elizabetha tamdiu vixerit) Et ꝑdict Willielmus & Elizabetha vat ꝑdict Robto ꝑdict Reddit̃um sicut ꝑdict est contra ꝑdict Willielmum & Elizabetham toto termino ꝑdict (si ꝑdicta Elizabetha tamdiu vixerit) Et ꝓ hac &c.

Capt & cognit, ut supra.

A Fine levied upon three Writs of Covenant; viz.

1. Of divers Honors, Caſtles, Mannors, Parks, ſeveral Meſſuages, Cottages, Mills, Dovehouſes, certain Land, Meadow, Paſture, Wood, Furze and Heath, Mariſh Ground, of Rent, of Common of Paſture, View of Frank-Pledge, and whatſoever belongs thereto, Knights Fees, Wards, Marriages, Eſcheats, Waifs, Eſtrays, Goods and Chattels of Felons, Fugitives and Out-laws, Perſons attainted, Felons de ſe, Deodands, Treaſure-trove, Fairs, Markets, Wrecks of the Sea, Free Warren, Free Fiſhing in the Waters of *D. H.* and *T.* of the Advowſon of the Church of *B. P.* as alſo of the Moiety of the Mannor of *H.* and of the Knights Fees, Wards, Marriages, Eſcheats, Waifs, Eſtrays, Goods and Chattels of Felons, Fugitives and Out-

laws, and Persons attainted, Fairs, Marke
Wrecks of the Sea, and Free Warren in
and of the fourth part of the Hundred of
as also of the eighth part of a Barn in *D.*
the County of *Devon.*

2. Of a Manor, several Messuages, Cottag
Corn Mills, a Dove-House, several Garde
Orchards, great quantities of Land, Meado
Pasture, Wood, Furze and Heath, and 60
Rent in *M.* &c. in the County of *Wilt*
&c.

3. Of Land, Meadow, Pasture, Furze a
Heath in *M.* &c. in the County of *Som*
set.

Devon ss. Precipe C. S. Baronetto & uxori eius C. S. Armigero lio & heredi apparen pdicti C. & M. ux eius & C. S. qũ iuste &c. teneant R. C. G nerolo & G. L. Geñolo Conventionem de Honoribus de T. & B. P. cum ptin de Castris de T. & B. P. cum ptin Ac Mañiis de T. & B. P. cum ptin Necn de Parcis de T. & B. P. cum ptin Acer de nonaginta Seruagiis quadraginta Co giis quinq; Molendinis duobus Colum mille & ducentis Acris Terre quingen Acris Prati octingentis Acris Pasture du centis Acris Bosci quadringentis Acris Jam pnorum & Bruere centum Acris Maresci v ginti Libat Reddit Communia Pastur tis Franc pleg & quicquid ad tis Franc pleg ptinet Feod Milit Wardis Maritagi Escaetis bonis & catallis Waviat extrabur

bonis

onis & catallis Felonum Fugitivorum Utlagatorum Attinctorum Felonum de se Deodand Thesaur' invent' Feriis Mercatis Mercato Paris & libera Warrena cum ptin' Totnes Bury Pomeroy Bridge Town Pomeroy Netherton Longetombe parva Hempston Iplepen Alton alias Affeton Lodeswell Huishe & Denbury Ac de libera Visaria in Aquis de Darte Husburne & Totnes Necnon de Advocatione Ecclesie de Bury Pomeroy Acetiam de medietate Parci de Yurberton alias Yarberton cum ptinentiis & feod' Militum Wardorum Maritagior' Escaet' bonorum & catallorum waviat' strahur' bonorum & catallorum Felonum Fugitivorum Utlagatorum Attinctorum Felarum. Mercatorum Wrect' Paris & libere Warenne cum ptin' in Yurberton alias Yerberton Ac de quarta pte Hundredi de Heyor cum ptin' Necnon de octava pte unius Horrei cum pertin' in Denburie Et nisi &c.

Viltes' ss. PRecipe eisdem quod juste &c. teneant eisdem Conventionem [illegible]. Pañio de Mayden Bradley cum ptin' Ac [illegible] quinquaginta & quinq; Weluagiis decem & [illegible]to Cotagiis duobus Molendinis Granatis uno Columbar' septuaginta Pomariis quadringentis Acris Terre cemum Acris Prati sexcentis Acris Pasture quadringentis Acris Bosci quingentis Acris Jampnorum & Bruere & seraginta solidat' Reddit' cum ptin' in Mayden Bradley Horningesham & Bayliffe Et nisi &c.

Somerſ. ſſ. PRecipe eiſdem quod juſte &c. neant eiſdem Conventionem de octoginta Acris Terre viginti Acris P ſture & viginti Acris Jampnorum & Bru ctd ptin in Mayden Bradley Horningeſh Baycliff & Parneſeild Et niſi &c.

Et eſt Concordia talis ſcilt quod Pdic Edwardus & Anna Edwardus & Margar & Elizabetha recognoverunt Pdicta Hono Caſtra Mania Parcos Tenementa Red Communiam Paſture Mis Franc pleg Fe Milit Mard Partiag Eſcaet bona & cata wayiat extrahur bona & catalla Felon Fugitivorum Utlagatorum Attinctorum ſ lonum de ſe Deodand Theſaur inven rias Mercat Wreccum Maris Warenn Piſcariam Pedietatem & Partes cum pt Ac Advocationem Pdictam eſſe jus ipſius R bti ut ilt que iidem Robtus & Georgius b bent de dono Pdictorum Edwardi & Anne E wardi & Margarete & Elizabethe Et ilt miſerunt & quiete clamaverunt de ipſis E wardo & Anna Edwardo & Margareta & E zabetha & heredibus ſuis predictis Robto Georgio & heredibus ipſius Robti imper um Et preterea iidem Edwardus Seymo Baronettus & Anna conceſſerunt pro ſe & h redibus ipſius Robti quod ipſi war Pdic Robto & Georgio & heredibus ipſius Rob Pdicta Honores Caſtra Mania Parcos T nementa Reddit Communiam Paſture Mis Franc pleg Feod Milit Mard Partiag

Eſcaet

Elcaet bona & catalla wadiat extrahur bona & catalla Felonum Fugitivorum Utlagatorum Attinctorum Felonum de se Deodand Thesaur invent Ferias Mercata Wrecum Paris Warennam Piscariam Medietatem & Partes cum ptin Ac Advocationem predicta contra pdictos Edwardum & Annã & heredes ipsius E. imppetuum Et ulterius iidem Edwardus Seymor Armig & Margareta concesserunt p se & heredibus ipsius Edwardi quod ipsi war pdictis Robto & Georgio & heredibus ipsius Robti pdicta Honores Castra Maña Parcos Tenementa Reddit Communia Pasture Uiis Franc pleg Feod Milit Marc Paritag Elcaet bona & catalla wadiat extrahur bona & catalla Felonum Fugitivor Utlagatorum Attinctorum Felonum de se Deodand Thesaur invent Ferias Mercat Wreccum Paris Warennam Piscariam Medietatem & Partes cum ptin ac Advocationem predictam contra predictos Edwardum & Margaretam & heredes ipsius Edwardi imppetuum Et insup eadem Elizabetha concellit pro se & heredibus suis quod ipsi war pdictis Robto & Georgio & heredibus ipsius Robti pdicta Honores Castra Maña Parcos Tenementa Reddit Communiam Pasture Uiis Franc pleg Feod Milit Marc Paritag Elcaet bona & catalla wadiat extrahur bona & catalla Felonum Fugitivorum Utlagatorum Attinctorum Felonum de se Deodand Thesaur invent Ferias Mercat Wreccum Paris Warennam Piscariam Medietatem & Partes cum ptin ac Advocationem pdictam

dictam contra ipsam Elizabetham & heredes suos imppetuum/Et p hac &c.

Capt & cognit &c. ut supra.

An Affidavit (taken by any of the Justices of the Common Pleas) upon the due Execution of a *Dedimus Potestatem* by Commissioners in the Country.

Arthur Bond Gent. (one of the Commissioners in the Writ of *Dedimus* named) maketh Oath, That this Fine was duly executed, the Cognizees of full Age, and the Feme Covert being secretly and apart examined, willingly consented,

Arthur Bond.

Of a Mannor, Grange, divers Messuages, Cottages, several quantities of Land, Meadow, Pasture, Furze and Heath, from five Cognizors (the four last being two Husbands and their Wives) with Warranty by the first Cognizor against him and his Heirs, and against the other four Cognizors and their Heirs, and against the Heirs of the Father of the two first Cognizors, and against all Persons claiming by them, or any of them. 2. Warranty against the second and third Cognizors and the Heirs of the Husband, and all the other Persons named in the first Warranty. 3. Warranty against the two last Cognizors, and the Heirs of the Husband only.

Nott'

ott' ſſ. PRecipe Gervaſio Creſſey Generoſo Johi Creſſey Generoſo & Marie rozi ejus & Robto Bingham Generoſo & lizabethe uxozi ejus quod juſte &c. teneant obto Clifton Armigero Conventionem &c. Mañio de D. alias &c. cum ptin Ac de zangia de D. alias &c. cum ptin Mernou leptem Meſuagiis quatuoz Cotagiis duntis Acris Terre viginti Acris Pzati vinti Acris Paſture & centum Acris Jampnom & Bzuere in D. alias D. C. alias D.S. . N. & B. Et niſi &c.

Et eſt Concozdia talis ſcilt quod pzedicti ervaſius Johes & Maria & Robtus Bingam & Elizabetha recognoverunt pdicta Maerium Gzangiam & Tenementa cum ptin le jus Robti Clifton ut illa que idem Rotus habet de dono pdictozum Gervaſii Johannis & Marie & Robti Bingham & Elizabethe Et illa remiſerunt & quiete clamaerunt de ſe & heredibus ſuis pdicto Robto lifton & heredibus ſuis imppetuum Et ꝑterea idem Gervaſius conceſſit p ſe & heribus ſuis qꝺ ipſi war pdicto Robto Clifton & heredibus ſuis pdicta Mañium Gzangiam & Tenementa cum ptin contra pdictum Gerſium & heredes ſuos ac contra pdictos Johannem & Mariam & Robtum Bingham & Elizabetham & heredes ſuos Ac contra heredes Parke Creſſey Generoſi defuncti Patris ipſozum Gervaſii & Johannis Ac contra omnes alios clamantes p pdictos Gervaſium

Johannem

Johannem & Mariam Robtum Bingham Elizabetham & Parke aut eorum aliqu imppetuum Et ulltius iidem Jō & Ma concesserunt p se & heredibus ipsius Jō q ipsi war pdicto Robto Clifton & heredi suis pdicta Mañium Grangiam & Tene cum ptin contra pdictos Johannem & Ma & heredes ipsius Johannis Ac contra pdi Gervasium & Robtum Bingham & Eliza tham & heredes suos Ac contra heredes p dicti Parke ac contra omnes alios claman p pdictos Johannem & Mariam Gerva Robtum Bingham & Elizabetham & Pa aut eorum aliquem imppetuum Et et iidem Robtus Bingham & Elizabetha c cesserunt p se & heredibus ipsius Robti q ipsi war pdicto Robto Clifton & heredi suis pdicta Mañium Grangiam & Tene cum ptin contra pdict Robtum Bingha Elizabetham & heredes ipsius Robti imp tuum Et pro hac &c.

Capt & cognit p supra nominatum Johannem Cresley vicesimo ttio die Augusti Año Regni Regis Car scdi quartodecimo coram nobis

R. Edge.
T. Toplage.

Capt

Capt & cognit p supranominatos Gervasium Cresley Robtum Bingham & Elizabetham uxorē ejus vicesimo quinto die Augusti Anno quartodecimo supradicto coram nobis

R. Edge.
J. Toplage.

Capt & cognit p supranominatam Mariam Cresley uxorem pdicti Johannis Cresley vicesimo scdo die Novembris Anno quartodecimo supradicto coram nobis

G. Holland.
R. Edge.

A Fine with seven Warranties.

Northt' ss. PRecipe Rogero H. Armigero Agneti H. vidue Johanni H. Geñoso Katherine H. Josepho P. & Anne uxori ejus Robto W. Geñolo & Elizabethe uxori ejus & Francisce H. quod juste &c. teneant Johanni C. Militi & Baronetto Conventionem &c. de Mañiis de S. alias &c. & W. cum ptin Ac de decem Messuagiis duobus Cotagiis duodecim Gardinis duodecim Pomariis sexcentis & quinquaginta Acris Terre sexaginta Acris Pasture triginta Acris Bosci centum Acris Jampnorum & Bruere & Communia

Communia Pasture p omnimodis aḃiis cu
ptiñ in S. & W. Et nisi &c.

Et est Concordia talis scilt quod ꝑdi
Rogerus Agnes Johannes H. Katherina
lephus & Anna Robtus & Elizabetha & Fra
cisca recogñ ꝑdicta Mañia Tenementa
Communiam Pasture cum ptiñ esse jus i
sius Johannis L. ut illt que idem Johann
habet de dono ꝑdict Rogeri Agnetis Joha
nis H. Katherine Jolephi & Anne Robti
Elizabethe & Francisce Et illt remiseru
& quiete clamaverunt de ipsis Rogero A
nete Johanne Katherina Jolepho & Anna
bto & Elizabetha & Francisca & heredibus s
ꝑdicto Johanni L. & heredibus suis impp
tuum Et ꝓtẽa idem Rogerus concessit
se & heredibus suis quod ipsi war ꝑdicto J
hanni L. & heredibus suis ꝑdicta Mañiu
Tenementa & Communiam pasture cum
tiñ contra ꝑdict Rogeꝝ Agnetem Johann
H. Katherinam Jolephum & Annam Rob
& Elizabetham & Franciscam & heredes su
Ac contra heredes Rogeri H. Armigi defun
patris ꝑdicti Rogeri Willielmi H. Arm
defuncti Avi ꝑdicti Rogeri Ac contra omn
alios clamantes p ꝑdictos Rogeꝝ Agnete
Johannem H. Katherinam Jolephum & An
nam R. & Elizabetham Franciscam Roge
& Willielmum aut eoꝝ aliquem impp
tuum Et ultius eadem Agnes concessit p
se & heredibus suis quod ipsi war ꝑdicto J
hanni L. & heredibus suis ꝑdicta Mañiu
Tenementa & Communiam pasture cum
tiñ

id contra ꝓdictam Agnetem & heredes suos
mppetuum Et insuꝑ idem Johannes H.
oncessit ꝓ se & heredibus suis quod ipsi war
dicto Johanni L. & heredibus suis ꝓdicta
anium Tenementa & Communiam pasture
m ptiñ contra ꝓdict H. & heredes suos im-
etuum Et etiam eadem Katherina con-
sit ꝓo se & heredibus suis quod ipsi war
dict Johanni L. & heredibus suis ꝓdict Ma-
ium Tenementa & Communiam pasture
m ptiñ contra ꝓdict Katherinam & he-
es suos imppetuum Et etiam idem Jo-
nnes & Anna concesserunt ꝓ se & heredibus
us Anne quod ipsi war ꝓdict Johanni L.
heredibus suis ꝓdict Mañium Tenementa
Communiam pasture cum ptiñ contra pre-
dictos Josephum & Annam & heredes ipsius
anne imppetuum Et etiam idem Robtus
Elizabetha concesserunt ꝓo se & heredibus
lius Elizabethe quod ipsi war ꝓdict Johi
. & heredibus suis ꝓdict Mañium Tene-
enta & Communiam pasture cum ptiñ con-
a ꝓdict Robtum & Elizabetham & heredes
us Elizabethe imppetuum Et etiam
em Francisca concessit ꝓ se & heredibus
is quod ipsi war ꝓdicto Johanni L. & here-
ibus suis ꝓdicta Mañii Tenementa & Com-
muniam pasture cum ptiñ contra predictam
Franciscam & heredes suos imppetuum Et
ꝓ hac &c.

Capt & cognit (ut supra.)

A Precipe of ſeveral Rents.

Somerſ. ff. PRecipe T. B. Genrolo qđ ſ
ꝛc. teneat W. B. Genolo C
ventionem ꝛc. de Manio de N. S. cum p
ac de quatuoꝛ Meſuagis quatuoꝛ Toftis q
tuoꝛ Molendinis ſeptem Columbar' vig
Gardinis centum Acris Terre ducentis A
Pꝛatis vrelcentis Acris Paſture treſcen
Acris Bolci decem ſolibat' reddit' ꝛ red
duaꝝ libꝛat' Piperis ꝛ duaꝝ libꝛat' Cum
tum pertin' in N. S. W. S. P. ꝛ C. N
non Advocationem Eccleſie de N. S.
niſi ꝛc.

Et eſt Concoꝛdia talis ſcilt quod Poict
recogn' Potta Manium Tenementa ꝛ R
dit' cum ptin' ac Advocationem pꝛedictam
jus ꝛc.

Of two Acres of Paſture.

Midd' ff. PRecipe Robto R. Genolo ꝛ An
uxoꝛi ejus quod ſuſtt ꝛc. tene
Thome B. Militi Conventionem ꝛc. de d
bus Acris Paſture cum ptin' in Parochia
Leonardi Shoꝛeditch. Et niſi ꝛc.

Et eſt Concoꝛdia talis ſcilt qđ Poict
btus ꝛ Anna recogn' Poict' paſturam cum
tin' eſſe jus ꝛc.

A Fine upon two Writs of Covenant from a Duke and his Lady, and another Perſon, to a Marqueſs of Caſtles, Parks and Tenements.

N. ff. PRecipe G. Duci B. & M. uxori ejus & R. G. Armigero quod juſte &c. teneant W. Marchioni N. C. S. T. Conventionem &c. de Caſtro de N. cum ptin' ac de Parco de N. cum ptin' Necnon de decem Peluagiis decem Cotagiis decem Gardinis decem Pomariis centum Acris Terre ducentis Acris Prati treſcentis Acris Paſture decem Acris Bolci & viginti Acris Pariſci cum ptin' in N. L. & S. Et niſi &c.

V. N. ff. PRecipe eiſdem quod juſte &c. teneant eiſdem Conventionem &c. de Caſtro de N. cum ptin' ac de Parco de N. cum ptin' Necnon de decem Peluagiis decem Cotagiis unde Columbar' centum Acris Terre ducentis Acris Prati treſcentis Acris Paſture decem Acris Bolci & viginti Acris Paſci cum ptin' in W. N. Et niſi &c.

Et eſt Concordia talis ſcilt quod dict' Dux & M. & R. recognoverunt dict' Caſtra Parcos & Tenementa cum ptin' eſſe jus ipſius Marchionis ut ill' que idem Marchio habet de dono dict' Ducis & M. & R. Et ill' remiſerunt & quiete clamaverunt de ipſis Duce & M. & R. & heredibus ſuis dict' Marchioni & heredibus ſuis imppetuum Et preterea idem Dux & M. conceſſerunt p ſe & heredibus

redibus ipſius Ducis qꝺ ipſi war ꝓdict Pa
chioni & heredibus ſuis ꝓdicta Caſtra Parc
& Tenementa cum ꝑtin contra ꝓdictos D
cem & H. & heredes ipſius Ducis impetu
Et ulterius idem R. conceſſit p ſe & heredib
ſuis qꝺ ipſi war ꝓdict Parthioni & heredib
ſuis ꝓdict Caſtra Parcos & Tenementa cu
ꝑtin contra ꝓdict R. & heredes ſuos imp
tuum Et ꝓo hac &c.

Capt & cognit ut ſupra.

From the ſame Cognizors, to other Cogniz
of a Mannor, Tenements, Rent, Min
Courts Leet, View of Frank-Pledge, Eſtra
Goods and Chattels of Felons and Fugitiv
Felons *de ſe*, and Outlawed Perſons, De
dands, Knights Fees, Wards, Marriag
Reliefs, Eſcheats, Fines, Amerciaments, Fa
Markets, Toll, Rights, Juriſdictions, Lib
ties and Priviledges in eight Towns in t
County of *D.*

D. ſſ. PRecipe G. Duci B. & H. uxori e
& R. G. Armigero qꝺ juſte &c. i
neant H. B. Armigero & R. C. Gen
Conventionem &c. de Manio de H. cum
ac de ducentis Meſuagiis centum Cota
ducentis Gardinis ducentis Pomariis tri
mille Acris Paſture mille Acris Boſci d
mille Acris Jampnorum & Bruere duo
mille Acris Moꝛe decem Libꝛat Reddit
ner Cur Let Mis Franc pleg Extrah
Bona & Catalla Felonum & Fugitiꝛo
Felonum de ſe & in exigend poſſit Dedan

Fen

Feod Milit Ward Maritag Relevijs Escaet
Finibus Amciam Mundinis Percat Feriis
Tolnet Jur Jurisdictionibus Libertatibus &
Privilegijs cū ptin in Yartington alis Yer-
ingtō Bigginge Heathecote Ladwale Sterne-
ide Crowdecote Forlowe & Grene Et nisi &c.

Et est Concordia talis scilt qđ pdict Dux
P. & R. recogn pdict Manium Tenemta
Reddit Miner Cur Let Uis Franc pleg
Extrahur Bona & Catalla Felonum & Fu-
gitivorum Felonum de se & in erigend posit
Deodand Feod Milit Ward Maritag Rele-
via Escaet Fines Amciament Mundin Per-
cat Ferias Tolnet Jur Jurisdictiones Lib-
tat & Privileg cum ptin esse sus ipsius Y.
et ilt que iidem Y. & R. habent de dono pre-
decessorum Ducis & P. & R. Et ilt remise-
runt de se & heredibus suis pdicis Y. & P.
heredibus ipsius Y. imppetuum Et pre-
ea iidem Dux & P. concesserunt p se & he-
redibus Ducis qđ ipsi war pdict Y. & R. &
heredibus ipsius Y. pdict Manium Tene-
menta Reddit Miner Cur Let Uis Franc
pleg Extrahur Bona & Catalla Felonum &
fugitivorum Felonum de se & in erigend
Deodand Feod Milit Ward Maritag
Relevia Escaet Fines Amciamenta Mun-
din Percat Ferias Tolnet Jur Jurisdicti-
ones Libtat & Privileg cum ptin contra
pdict Ducem & P. & heredes ipsius Ducis
imppetuum Et ultius idem R. concessit p
se & hered suis quod ipsi war pdict Y. & R.
& heredibus ipsius Y. pdict Manium Tene-

menta Revoit Viner Cur Let Vis Fran
pleg Extrahur Bona & Catalla Felonu
Fugitivorum Felonum de se & in exigen
ponit Deodand Feod Milit Marc Warin
Relevia Eschaet Fines Amerciamenta Nu
vid Mercat Ferias Tolnet Jur Jurisdict
ones Libertat & Privileg cum ptin cont
poict R. & heredes suos imppetuum Et
hac &c.

Capt & cognit &c.

Of several Mannors, Messuages, Cottages, Do
houses, Gardens; great quantities of La
Meadow, Pasture, Furze and Heath; C
Rent, Common of Pasture for all man
of Cattle, Free Fishing, View of Fra
Pledge, and whatsoever belongs thereun
Mines, Quarries, Knights Fees, Wards, M
riages, Reliefs, Heriots, Issues, Fines, Am
ciaments and Forfeitures, Goods and Ch
tels of Persons Outlawed, and sued to
Exigent, Wails, Estrays, Goods and Ch
tels of Traytors, Felons de se, Fugitiv
Persons condemned, convicted and attain
Deodands, Natives, Natives and Villa
Fairs, Markets, Toll, Stallage, Picage, Po
tage, Treasure found, and to be found
And of all Rights, Regalities, Jurisdict
ons, Franchises, Liberties, Profits, Comm
dities, Priviledges and Emoluments whatso
ever, &c.

Hertf.

Hereff. ll. PRecipe G. Duci B. & Y. uxori ejus & R. G. Arm̃ qđ juste &c. teneant T. W. Arm̃ & J. N. Geñ Conventionem &c. de mañiis de L. alias L. Y. Wl. S. St. J. & Y. cum ptin̄ Ac de ducentis Weluagiis quinquaginta Cotagiis quinq; Columbar' ducentis Gardinis quatuor mille Acris Terre quatuor mille Acris Prati tribus mille Acris Pasture mille Acris Jampnorum & Bruere quinquaginta & tribus libat Reddit Communia pasture p̄ omnimodis Aßis Libera Piscaria Uis Franc pleg & quicquid ad Uis Franc pleg pertinet Pinet Quar Feod Pitit Mard Paritag Relevis Heriot Exit Fundus Anciam & Forisfactur Bonis & Catallis Utlagat & in exigend' posit Mlaviat & Extrahur Bonis & Catallis proditor Felonum Felonum de se Fugitivorum dampnat convict & attinct Wesdand Natiuis Nativis & Villanis Nundinis Mercatis Feriis Wolnet Stalag Picag Pontag Thelaut tavent & Inventend' Ac omnibus Jur Regalitat Jurisdiction Franches Libat Proficuis Commoditat Privileg & Emolument quibuscunq; cum pertin̄ in L. alias L. Y. Wl. S. St. J. Y. S. C. B. Y. Y. W. B. Wl. F. Wl. R. Y. Y. D. B. Y. W. R. D. & A. Et nihil &c.

Et est Concordia talis scilt qđ Poict Dux Y. & R. recogn̄ Poict Mania Tenementa Reddit Communiam pasture Piscar' Uis Franc pleg Pinet Quar Feod Pitit Mard

Maritag Relevia Heriot Erit Fines Amerciamenta & Forisfactur Bona & Catalla Utlagat & in erigend posit Maviat Extrahur Bona & Catalla Proditorum Felonum Felonum de se Fugitivorum dampnat convict & attinct Deodand Nativos Nativas & Villanos Mundin Mercat Ferias Tolnet Stallag Picag Pontag Thelaur invent & inveniend Jur Regalitat Jurisdictiones Franches Libtat Proficua Commoditat Privileg & Emolument cum ptin esse jus ipsius T. ut illt que idem T. & J. habent de dono predictorum Ducis & M. & R. Et illt remiserunt & quiet clam de ipsis Duce & M. & R. & heredibus suis pdict T. & J. & heredibus ipsius T. imperpetuum Et preter idem Dux & M. concesserunt p se & heredibus ipsius Ducis qd ipsi war pdict T. & J. & heredibus ipsius T. pdict Mania Tenta Vedvit Communia pasture Pisear Vis Franc pleg Miner Murd Feod Milit Mard Maritag Relevia Heriot Erit Fines Amerciamenta Forisfactur Bona & Catalla Utlagat & in erigend posit Maviat Extrahur Bona & Catalla Proditorum Felonum Felonum de se Fugitivor dampnat convict & attinct Deodand Nativos Nativas & Villanos Mundin Mercat Ferias Tolnet Stallag Picag Pontag Thelaur invent & inveniend Jur Regalitat Jurisdictiones Franches Libtat Proficua Commoditat Privileg & Emolument cum ptin contra pdictos Ducem & M. & heredes ipsius Ducis imperpetuum Et ultius idem R. concessit p se & heredibus suis quod ipsi war

pdict

ꝓdict T. & J. & heredibus ipſius T. ꝓdicta ꝑtia Tenementa Redd̃ Communiam paſture Piſcar Uiꝫ Franc pleg̃ Miner Quar Feod Milit Warꝺ Maritag̃ Relevia Heriot Exit Fines Amerciamenta Forisfactur Bona & Catalla Utlagat & in exigend̃ poſit Wavi- & Extrahur Bona & Catalla Prodit̃orum Felonum Felonum de ſe Fugitivorũ dampnat convict & attinct Deodand̃ Nativos Nativas & Villanos Mundin Mercat Ferias Tolnet Stallag̃ Picag̃ Pontag Theſaur inuent & inveniend̃ Jur Regalit Juriſdictiones Franches Libertat Profic̃ua Commoditates Privileg & Emolument cum ptin̄ contra ꝓdictum R. & heredes ſuos imppetuum Et ꝑ hac &c.

Capt & cognit (ut ſupra.)

Of a Mannor, Meſſuages, a Cottage, Gardens, Orchards, Land, Meadow, Paſture, Paſture for twenty Cattle, and Common of Paſture.

Wiltes' ſſ. PRecipe Abrahamo Chamberlain Gen̄oſo & Judithe uxori ejus qꝺ juſte &c. teneant Elizabethe King vnus Conventionem &c. de manerio de C. cum ptin̄ ac de duobus Meſuagiis uno Cotagio tribus Gardinis tribus Pomariis ducentis & ſexaginta Acris Prati quadraginta Acris Paſture paſtura p̃o viginti Ac̃iis & Communia paſture cum ptin̄ in Cheriton alias Cherton & Cheverel Et niſi &c.

Et est Concordia talis scilt qd ꝓdict Abra-
hamus & Judicha recognoverunt ꝓdicta Ma-
nium Tenementa Pasturam & Communiam
Pasture cum ꝑtin esse jus ipsius Elizabeth
ut ill que eadem Elizabetha habet de don
ꝓdict Abrahami & Judithe Et ill remise-
runt & quiete clamaverunt de se & heredib
suis ꝓdicte Elizabethe & heredibus suis im
petuum Et ꝓtea tidem Abrahamus & Ju
dicha concesserunt ꝓo se & heredibus ipsi
Abrahami quod ipsi war ꝓdicte Elizabethe
heredibus suis ꝓdicta Manerium Tenemen
Pasturam & Communiam pasture cum ꝑti
contra predictos Abrahamum & Judicham
heredes ipsius Abrahami imppetuum Et
hac &c.

Capt & cognit &c.

A Fine from Husband and Wife, to a Viscount of five Acres of Land (only) with two several Warranties, 1. By the Husband against him and his Heirs. 2. By the Husband and Wife against the Heirs of the Wife.

Hertf. ff. Præcipe Thome King & Jane uxor
eius qd juste &c. teneant Thom
Fanshaw Militi Baluei (Vicecomiti Dono
more in Regno Hibernie) Conventionem d
de quinq; Acris Terre cū ꝑtin in Ware Et
nisi &c.

Et est Concordia talis scilt quod ꝓdict
Thomas & Jana recognoverunt ꝓdict quinq

Acras Terre cum ptiñ esse jus ipsius Thome Fanshaw ut ilt que idem Thomas habet de dono ꝓdict Thome King & Jane. Et ilt remiserunt & quiete clam de ipsis Thoma King & Jana & heredibus suis ꝓdicto Thome Fanshaw & heredibus suis imperpetuum. Et ꝓtea idem Thomas King concessit ꝓ se & heredibus suis quod ipsi war ꝓdicto Thome Fanshaw & heredibus suis ꝓdict quinq; Acras Terre cum ptiñ contra ꝓdict Thomam King & heredes suos imperpetuum. Et ulkius idem Thomas King & Jana concesserunt ꝓ se & heredibus ipsius Jane quod ipsi war ꝓdicto Thome Fanshaw & heredibus suis ꝓdict quinq; Acras Terre cum ptiñ contra ꝓdict Thomam King & Janam & heredes ipsius Jane imꝓpetuum. Et ꝓ hac &c.

Capt & cognit &c. (ut supra)

A Precipe of divers Mannors, an Hundred, &c.

Salop' ss. PRecipe Edwardo Dño H. de C. & Anne uxori ejus qđ juste &c. teneant Johanni M. Geñolo & Evano W. Geñolo Conventionem &c. de Maneriis de C. & W. cum pertiñ ac de Hundredo de C. cum ptiñ Necnon de sexdecim Messuagiis viginti Gardinis quadringentis Acris Terre sexcentis Acris Prati ducentis Acris Pasture centum & sexaginta Acris Bosci quingentis Acris Jampnorum & Bruere & sexaginta solidat Reddit cum ptiñ in C. W. D. B. R. S. T. W. & M. Et nisi &c.

Et est Concordia talis scilt quod predict Edwardus & Anna recogn predicta Man Hundred Tenta & Reddit eid ptin esse jus

A Precipe of divers Mannors: The Scites two dissolved Monasteries: The Scite of dissolved Priory; Of several Mesuages, To Mills, Dove-houses and Gardens; great qua tities of Land, Meadow, Pasture, Woo Furze, Heath and Marsh Ground. Of Re Common of Pasture, Free Warren, Fr Fishing, Mines, Quarries, Courts Leet, Cou Baron, View of Frank Pledge, Estrays, Goo and Chattels of Felons and Fugitives, F lons *de se*, and of Persons sued to the Ex gent, Deodands, Knights Fees, Wards, Ma riages, Reliefs, Eschaets, Issues, Fines, Amc ciaments, Natives and Villains, Fairs, Ma kets, Toll, Rights, Royalties, Jurisdictions Franchises, Liberties, Profits, Commodities Priviledges and Emoluments. Of two Recto ries, all manner of Tithes, &c. and the Ad vowson of a Rectory.

Lincoln ss. PRecipe J. M. Gen quod juste &c. teneam G. L. Gen & W. D. Gen Conventionem &c. de Maneriis Vardney Southeray Tupholme Knap Stowe & Cateburton cum ptin ac Scitibus Monasteriorum dissolutorum de Vardney & Tupholme cum ptinentis Acetiam Scit Prioratt dissolut de Hennings alias Heven ings alias Henyngys alias Hevenyngys cum ptin Necon ducentis & quinquaginta Me

suagiis

agiis triginta Toftis ſex Molendinis ſex
olumbar ducentis & quinquaginta Gardi-
is tribus mille & quingentis Acris Terre
rentis Acris Prati duabus mille Acris
ſture ſeptingentis Acris Boſci mille Acris
mpnorum & Bruere mille Acris Mariſci
ſini uno libra ſex ſolidat & octo denariat
dit Communia paſture p omnimodis A-
tis Libera Warenna Libera Piſcaria
ner Quar Cur Let Cur Baron Uiſ
anc pleg Extrahur Bonis & Catallis Fe-
um & Fugitivorum Felonum de ſe & in
igenis poſit Deodand Feod Milit Ward
ritag Releviis Eſcaetis Finibus Anncia-
ntis Nativis Nativis & Villanis Nun-
lnis Mercatis Feriis Tolnetis Juribus Re-
alitatibus Juriſdictionibus Franchefiis Li-
tatibus Profiicuis Commoditatibus Privi-
giis & Emolumentis quibuſcunq; cum pti
Bardney Southeray Tupholme Galtbay
angton prope Horncaſtle Langton prope
ragby Lowth Branſton Hanworth Nooto
etherringham Blankney Dunſton Knayth
enings alias Hevenings alias Henyngys
lias Hevenyngys Lee Burton Stowe Par-
n Langhterton Gateburton Kettlethorpe
ittleborough Normanby Branſby Wil-
ingham Cotes Fillingham Owmby Har-
wick Newton Brampton Fenton Upton
erby Ranby & Wragby ac Rectoriis de
pton & Berby cum pertin Ac de omnibus
omnimodis Decimis annuatim provenien
ulcen ſeu renovan in Senage & Southeray
ertiam de Advocatione Rectorie de Knayth
ſi niſi &c. Et

Et est Concordia talis scilt qꝺ ꝓdict I. R. recogn ꝓdicta Mania Scil Teneme Reddit Communiam pasture Warenn Piscar Piner Quar Cur Let Cur Ward Mis Franc pleg Extrahur Bona & Cat Felonum & Fugitivorum Felonum de t in Exigenꝺ posit Deodanꝺ Feod W Ward Maritag Relevia Escaet Exit F Amerciament Nativos Nativas & Vill Mundin Mercat Ferias Tolnet Jur R litat Jurisdictiones Franches Libtat P ficua Commoditat Privileg Emolumta ctorias & Decimas cum pertin ac Advoca nem ꝓdict esse jus &c.

Capt & cognit (ut supra.)

Of a Preceptory or Commandry of divers M nors, Hundreds, several Messuages, M Gardens, great quantities of Land, Mea Pasture and Wood, Free Fishing, Liber Foldage, Tithes, Advowsons of Churc and the Advowson of a Vicaridge.

Norff. ff. PRecipe W.C. Arm & F.C. C & M. uroꝛi ejus quod juste &c. neant J. M. Gen & R. C. Gen Con tionem &c. de Pꝛeceptoꝛio alias Comm ꝺꝛia de Carbꝛooke cum ptin Ac de Ma de Whinberge alias Whinbarroughe C ston alias Gaueston Westfield Cranw Butlers Woodrising Kentfields Sho Holands Carbꝛooke Hospital Sancti hannis Jerusalem & Carbꝛooke Wood

lias Latimers cum ptin Acetiam de Yun-
epis de Wayland & Grimsho cum ptin
ecnon de viginti & ser Weluagiis duobus
olendinis viginti & ser Gardinis mille &
aginta Acris Terre lercentis & quadragin-
Acris Prati duabus mille & ducentis Acris
ture centum Acris Bolci libera Pilcar &
tate duorum Faldagiorum cum ptin in
hinberghe alias Whinbarroughe Garston
ias Gaverston Thurton Reymerston Yor-
alias Yarham Watteshall Cranworth
etton Shipdham Westfield Woodrising
outhbergh Hingham Skoulton Carbrooke
acton Griston Caston Ovington San-
ingham Burnham Ingworth & Whorstead
de omnibus & omnimodis Decimis qui-
lcunq; annuatim provenien crescen seu
novan in Griston Caston & Carbrooke
ecnon de Advocationibus Ecclesiarum de
hinberghe alias Whinbarroughe Garston
as Gaverston Westfield Cranworth cum
etton Skoulton Woodrising Yoxon alias
arham & Thurton Acetiam de Advocaci-
ne Vicarie Ecclesie de Carbrooke Et

Et est Concordia talis scilt gō pdicti W.
& M. recogn pdicta Preceptorium alias
mmandriam Maneria Hundred Tene-
ta Pilcar Libertat & Decimas cum ptin
Advocationes pdict esse jus ipsius J. ut
que jidem J. & R. habent de dono pdict
F. & M. Et ilt remiserunt & quiete cla-
erunt de ipsis W. F. & M. & heredibus

suis

suis ꝓdict J. & R. & heredibus ipsius J. ꝑ
ppetuum Et ꝓtea idem W. concessit
se & heredibus suis quod ipsi war ꝓdict
R. & heredibus ipsius J. ꝓdicta ꝓceptoꝛi
alias Commandoꝛiam Maneria Hundꝛed
nementa Pisc' Libtat & Decimas cum
tin) ac Advocationes ꝓdict contra ꝓdict
& hered suos imppetuum Et ulkius it
F. & M. concesserunt ꝑ se & heredibus ip
F. quod ipsi war ꝓdict J. & R. & heredi
ipsius J. ꝓdicta ꝓceptoꝛium als Comm
doꝛiam Maneria Hundꝛed Tenementa P
Libertat & Decimas cum ptin) ac Ad
tiones ꝓdict contra ꝓdict F. & M. & her
ipsius F. imppetuum Et ꝑ hac &c.

Capt & cognit &c. ut supꝛa.

A Fine *sur Concessit* for the Term of 500
(without Impeachment of Waste) o
third part of a Mannor, Messuages,
dens, Orchards, Land, Meadow, Pasture
Wood.

Ex' ff. PRecipe Johanni Clarke Cleri
Margarete uxoꝛi ejus quod
&c. teneant Robto Duke Conventionem
de tertia pte Manerii de Over Peldha
Over Peldham Hall alias parva Peld
cum ptin) Ac decem Meluagioꝛum duo
Gardinoꝛum duoꝛ Pomarioꝛum trescen
Acrarum Terre viginti Acrarum Past
centarum Acrarum Pasture & triginta A
rum Bosci cum ptin) in Peldham parv

ver Yeldham Nether Yeldham Stambourne
ilbury juxta Clare Tippisfield Castle Hed-
ingham Hedingham Sible Gestingthorpe
elchampe Saynte Paule Otten Belchampe
ppelwell & Belchampe William Et nisi

Et est Concordia talis scilt quod predicti
annes & Margareta concesserunt predicto
obto predict tertiam partem cum ptin habend
tenend eidem Robto a Festo Natiuitatis
ti Johis Baptiste ult pretit usq finem
mini quingentorum annorum extunc pxor'
quem & plenarie complend Absq impeti-
ne alicujus vastt Reddend inde annuatim
ict Johi & Margarete & heredibus ipsius
rgarete unum granum piperis ad Festum
atalis Domini annuatim solvend toto ter-
ino predicto si petatur Et predicti Johes & Mar-
reta & heredes ipsius Margarete war predicto
obto predict defendt cum ptin sicut predict est
ra predict Johe & Margareta & heredes ip-
Margarete toto termino predicto Et p hac &c.
pit & cognit &c. ut supra.

Precipe of a Messuage, Dove-house, Gardens, Land, Meadow, Pasture and Wood, of two parts of a Manor, and 150 Acres of Land, 40 Acres of Meadow, and 200 Acres of Pasture, Common of Pasture for all manner of Cattle, two parts of a Rectory, and the Tithes of Corn, Hay, Wooll and Lamb, and all other Tithes whatsoever.

Pl. Precipe Henrico Hall Armigero & Ric. Marley Gen. quod juste &c. teneant

teneant Willielmo Thorneton Armig
& Thome Alured Gen Conventionem
de uno Meluagio uno Columbar' du
Gardinis ducentis & septuaginta Acris T
octoginta & sex Acris Prati centum cri
& sex Acris Pasture & quadraginta A
Boldi Ac de duabus partibus Manerii de
shop Wilcon cum ptin ac centum & q
quaginta Acrarum Terre quadraginta A
rum Prati & ducentarum Acrarum Pa
acectam Communia Pasture pro omn
Averiis cum ptin in Bishop Wilcon &
dal Necnon duabus partibus Rectorie
Bishop Wilcon cum ptin ac omnium &
nimod Decimarum Garbarum Fenu
ac Agnellorum ac omnium aliarum D
marum quarumcunq; annuatim creter
novand & contingen in Bishop Wilc
Geldall Et nisi &c.

Et est Concordia talis scilt quod
Henricus & Richardus recognoverunt
Tenementa partes & Communiam pa
cum ptin esse jus &c.

A Precipe where the Sheriff of the Coun
Cognizee, and therefore the Writ of C
nant is directed to the Coroners.

Buck. ff. PRecipe Darby Doyd Generos
Sare uxori ejus quod fulc
teneant Roberto Gayer Milici Ealnei
Com Wark. Conventionem &c. de uno
agio unu Gardino unu Pomario octo

Terre duabus Acris Prati & Communia pa-
ure cum ptin in Stoke Poges. Et nisi &c.
lon qd' Bre de Cond direct Coronatoribus
ict Mele Michaelis Teste octavo die Octo-
is Anno Regni nostri xv. (Et tunc post
este hec Clausula inseritur) Quia ps Ro-
est modo Mic Cond ps Ideo tu Execu-
e istius Brevis aliqualiter se non intro-
at sed fiat Executio ejusdem p Coronas
suprdictos.

Et est Concordia talis scilt qd ptict Dar-
ps Sara recognoverunt ptict Tenementa
Communiam Pasture cum ptin esse Jus
s Robti ut ill &c.

om a Duke and his Lady, and a third Per-
son, to a Duke and another Cognizee, of an
Honor, several Manors and Parks, divers
Messuages, Tofts, Water-Mills, Dove-houses,
Gardens, great quantities of Land, Meadow,
Pasture, Wood, Furze and Heath, Rent, Free
Warren, View of Frank Pledge, and what-
soever doth thereunto belong. Wifs, Estrays,
Deodands, Goods and Chattles of Felons,
Fugitives, Felons de se, Persons outlawed;
Return of all Writs whatsoevers and of all
and all manner of Liberties and Franchises.

Ll. Precipe G. Duci B. & P. m. ejus
& R. G. Armigero ps juste &c.
ant G. Duci A. & P. L. Armigero Con-
ionem &c. de Honore de Bewlew alias
ulew cum ptin Ac de Manertis de
Bewlew

Bewlew alias Bewliew alias New
Old Hall Bozehams Wakefare Hall
Walsozd Hall & Belsted Hall cum ptin
Acetiam de tribus parcis cum ptin
non de triginta meluagiis quindecim
tribus molendinis aquatitis duodecim
lumbar triginta gardinis mille & quin
tis acr terre quadzingentis acris pzati
dus mille & quingentis acris pastur
gentis acris Bolci mille Acris Jampn
& Bzuere viginti Libzat Reddit libera
renna Uis Franc Pleg & quicquid ad
Franc Pleg ptinet Bonis & Catallis
viat Extrahur Deodand Fonis & Cat
Felonum & Fugitivozum Felonum
Utlagatoz & in Exigend posit Retozn
nium Bzevium quozumcunq Ac de
bus & omnimodis Libertat & Franches
ptin in Bozeham Spzingfield Hatfield
verel Bzomfeild parva Waltham
Leighes parva Baddowe magna Badd
Tarlinge Et nisi &c.

Et sit Concozdia talis scilt qd ptict
W. & H. & R. recognoverunt ptict Ho
Maneria Parcos Tenementa Reddit
rennam Uis Franc Pleg Bona & Ca
Waviat Extrahur Deodand Bona &
talla Felonum & Fugitivozum Felonum
se Utlagatozum & in Exigend posit
Bzevium Libertat & Franches cum pti
esse jus ipsius Ducis A. ut ill que
Dux A. & H. habent de dono ptict
W. & H. & R. Et ill remiserunt & quiet

naverunt de ipſis Duce B. & M. & R. & heredi
uis pd Duci A. & M. & heredi ipſius Ducis A.
mppetuum Et pterea iidem Dux B. & M.
conceſſerunt p ſe & heredibus ipſius Ducis
B. quod ipſi war pdict Duci A. & M. & he-
redibus ipſius Ducis A. pdict Honorem
neria Parcos Tenementa Reddit Wa-
nam Uis Franc pleg Bona & Catalla
aviat Extrahur Deodand Bona & Catalla
elonum & Fugitivorum Felonum de ſe
lagatorum & in Exigend poſit Retorna
revium Libertat ac Franches cum ptinen
tra pdict Ducem B. & M. & heredes ip-
s Ducis B. imppetuum Et ulterius i-
n R. conceſſit p ſe & heredibus ſuis quod
War pdict Duci A. & M. & heredibus
ius Ducis A. pdict Honorem Maneria
rcos Tenemta Reddit Warennam Uis
anc pleg Bona & Catalla Wlaviat Ex-
hur Deodand Bona & Catalla Felonum
Fugitivorum Felonum de ſe Utlagator
in Exigend poſit Retorna Brevium Li-
rtat & Franches cum ptin contra pdict
& heredes ſuos imperpetuum Et pro
ee.

t & cognit decimo nono die
Novembris Anno Regni Regis
Caroli ſecundi quintodecimo co-
ram me

Orl. Bridgeman.

Precipe's of Moieties, Parts, &c. among intire Parcels, and by themselves.

Of the Moiety of a Manor (amongst o things.)

Dorset' ss. PRecipe Thome Trenchard migero qđ juste &c. teneat Petro Napper Armiger Nathanieli Bi Armiger & Willo Guavas Generoso &c. de Manerijs de Hillfeild Wool Muron parva Childockford Licheat W Boys Beere Licheat alias South Liche alias Nether Licheat alias Licheat Mi Beere Sleepe & Cockamore alias Li Minster Wetherston & Hammohun Hammoone cum ptin Ac de duodecim solidis quadraginta Acris Terre tres Acris Prati quingentis Acris Pasture reneis Acris Bolci cum ptin in Li Watravers Licheat Minster Beer S Cockamore Whirewell Stour Minster dington & Worchester Nernon de Re de Childockford cum ptin Aceiam de dietate Manerii de Stowborough cum Et nisi &c.

Et est Concordia talis scilt quod Thomas recogn ptict Maneria Tenem ta Rectoriam & Pedietatem cum ptin Jus &c.

Of the Moiety of a Mannor, 20 Acres of Meadow, and 20 Acres of Paſture, and of a Rectory and all manner of Tythes (amongſt other things.)

Leic' ſſ. PRecipe Thome Smith Baronet & Abigaeli uxori ejus quod juſte ꝛc. teneant Willo Hicks Baronetto & Johanni Morris Generoſo Conventionem ꝛc. de nobus Meſuagiis quinq; Cotagiis quinq; Gardinis quinque Pomariis ſeraginta Acris Terre triginta Aeris Prati & quadraginta Acris Paſture Ac Pedietate Manerii de Hilonby cum pertin necnon viginti Acrar Paſture cum pertin in Hilonby Acetiam Rectorie de Hilonby cum pertin Ac omnium & omnimod Decimarum quarumcunq; annuatim proventen creſcen in renovatn in Hilonby Et niſi ꝛc.

Et eſt Concordia talis ſcilicet quod predict Thomas & Abigail recognoverunt predicta tenementa & Pedietat cum pertin eſſe ꝛc.

Of four Moieties: The 1ſt being of a Mannor, certain Meſſuages, Toſts, Mills, Dovehouſes, Gardens, divers quantities of Land, Meadow, Paſture, Wood, Furze and Heath, freſh Marſh, ſalt Marſh; A Wharff, two Paſſages or Ferries over the River *Thames*, and of 100 *l.* Rent. The 2d of a Prebend and Rectory. The 3d of the Moiety of the

Tythes of Corn, Grain and Hay. The [illegible] of the Moiety of the Advowſon of the Vi[illegible] ridge of the Church of *W. T.*

Eſſex' ſſ. PRecipe Petro Heyman Baron[illegible] qꝫ juſte &c. teneat Johi Hor[illegible] Generoſo Conventionem &c. de Mediet[illegible] Manerii de Weſt Thurrock alias Weſt [illegible] alias le Vineyard cum ptin ac viginti & ſ[illegible] tem Peſtagior quatuordecim Toftorum [illegible] orum Columbinor duorum Columbar [illegible] ginta & quinque Gardinorum ſeptingen[illegible] & decem Acrarum Terre centum Acrar[illegible] Pract trecentarum Acrarum Paſture [illegible] tum viginti & trium Acrarum Boſci ſe[illegible] ginta Acrarum Jampnorum & Bruere t[illegible] centarum & ſeraginta Acrar Pariſci f[illegible] quindecim Acrar Pariſci ſalit unius W[illegible] duorum Paſſagiorum ſive Feriar ſuper [illegible] quam Thamis & centum ſolidat Redd[illegible] ptin in Weſt Thurrock Doddinghurſt [illegible] myrys Orled Stifford Grace alias G[illegible] Aulilye alias Audly Purlett Gorris [illegible] Thorrock Necnon de Medietate Preben[illegible] & Rectorie de Weſt Thurrock cum ptin[illegible] Acetiam de Medietate Decimar Granor[illegible] Garbarum & Feni annuatim pvenien cu[illegible] red ſeu renovand in Weſt Thurrock At [illegible] Medietate Advocationis Vicarie Eccleſie [illegible] Weſt Thurrock Et niſi &c.

Et eſt Concordia talis ſcilt qꝫ Doick Pe[illegible] trus retogit Doick Medietates cum pertine[illegible] eſſe Jus &c.

Ot

Of the Moiety of ſeveral Meſſuages, a Dove-houſe, Gardens, Orchards, certain quantities of Land, Meadow, Paſture, Wood, Furze and Heath; and of the Moiety of a Moiety of a Mannor *(inter alia.)*

Lic' ſſ. PRecipe Richardo Willſon Generoſo quod juſte &c. teneat Thome Willſon Con &c. de Medietate duor Meſuagiorum unius Columbar duor Gardinor uorum Pomariorum viginti Acrarum Terr entum & viginti Acrarum Prati quadrin-entarum Acrarum Paſture quindecim Acrarum Boſci & ſeptuaginta Acrar Jampnor Bruere cum ptin in Keythorpe Tugby alias Tokeby & Goadby Ac de Medietate Medietatis Manerii de Keythorpe cum ptin Necnon de omnibus & omnimodis Decimis quibuſcunq annuatim prenien creſcen ſeu renovan in Keythorpe Tugby alias Toakby & Goadby Et niſi &c.

Et eſt Concordia talis ſcil qd ptict Ricus recognovit ptict Medietates & Decimas cum pertin eſſe Jus &c.

Upon two Writs of Covenant.

Of divers Meſſuages, a Barn, Gardens, an Orchard and three Acres of Paſture; and of the third part of ſeveral Meſſuages, Gardens and Acres of Paſture in the County of *Midd'*; and, Of the third part of ſeveral Mannors, Meſ-

ſuages, Barns, Tofts, a Dovehouſe, Garden Orchards, Acres of Land, Meadow, Paſtu Wood, Furze and Heath, More; of Rent an Common of Paſture for all Cattle in th County of *Warwick*.

Midd' ſſ. Precipe Edwardo Fullock Arm & Elizabethe uxori ejus qđ juſt ꝛc. teneant Georgio Wilde Armig & Fran ciſco Jermye Armigero Conventionem ꝛc. duobus Meſuagiis uno Horreo duobus Gar dinis uno Pomario & tribus Acris Paſtu Ac de tertia parte ſeptem Meſuagiorum du tum Gardinorum & viginti & quinque Acr Paſture cum ptin in Enfeild & Parochi Sancti Jacobi Clerkenwel Stepney alia Stebunheath Hackney Sci Clementis Do tor & Sci Leonardi Shoreditch Et nill ꝛc.

Warr' ſſ. Precipe eiſdem qđ juſte ꝛc. tenea eiſdem Conventionem ꝛc. de tri tia parte Maneriorum de Whitnash & Ulla alias Ullon Hall alias Olne Hall cum ptin ac quing Meſuagiorum quatuor Horreorum duorum Toftorum unius Columbar ſeptem Gardinorum quing Pomar ducentar qua draginta & ſex Acrarum Terre octoginta & trium Acrarum Prati ducentarum & viginti Acrarum Paſture triginta Acrarum Boſci undecim Acrar Jampnorum & Bruere quat tuor Acrarum Horze octoginta & quatuor Do lio & novem Denar Reddit Et de Communia Paſture pro omnibus Averiis cum ptin in Whitnash Ulnal alias Ullon Hall alias Olne

Olne Hall & Wotton alias Walkens Wotton Et niſi &c.

Et eſt Concordia talis ſcilicet q̄ p̄ued Edwardus & Elizabetha recognoverunt p̄dict Tenem̄ta tertias partes & Communiam Pasture cum p̄tin̄ eſſe Jus &c.

Of the fourth Part of a fifth Part of a Meſſuage in *London*.

London' ſſ. PRecipe Henrico Alexander Armig̃ (Comiti Stirline in Regn̄ D̄ni Regis Scocie) Robo Croke Militi & Sulanne uxori ejus & Henrico Tinzan alias Alexander Ar' & Jacobe uxori ejus q̄ juſte &c. unſent Jacob Lucie Conventionem &c. de quarta parte unius quinte partis unius Meſuagii & unius Gardini cum p̄tin̄ in Parochia Sancte Katerine Coleman-ſtreet Et niſi &c.

Et eſt Concordia talis ſcilicet quod p̄d̄ Henricus Robtus & Sulanna & Henricus & Jacoba recogn̄ p̄dict quartā partem cum p̄tin̄ eſſe Jus &c.

Of a Mannor, Meſſuages, Gardens, Orchards, Land, Meadow, Paſture, Furze, Heath, and Alder; Of the third Parts of a Mannor, Meſſuages, Gardens, Orchards, Lands, Meadow, Paſture, Furze and Heath; and of the Moiety of the Scites of Mannor, Meſſuage, Garden, Orchard, Land, Meadow, Paſture and Wood.

Norff. ff. PRecipe Thome Rugg Generos qꝺ juste ꝛc. teneat Robto Cley ton Generoso & Geoꝛgꝫ Lulls Generoso Con ventionem ꝛc. de Manerio de Noꝛthꝛeps cꝫ ptiñ ac de quinqꝫ Meluagiis quinqꝫ Gar nis quinqꝫ Pomariis crescentis Acris Te septuaginta Acris Pꝛati ducentis Acris P stuꝝ quadꝛingentis Acꝛ Jampnoꝝ & Bꝛue & decem Acris Alneti cum ptiñ in No thꝛeps Cꝛomer Sydesthoꝛne Oꝛstrunt Fe mingham Tumstowne Flockthoꝛpe al Hardingham cum ptiñ Necnon de trib partibus Manerii de Flockthoꝛpe alias H dingham cum ptiñ ac duoꝛum Meluagioꝛ duoꝛum Gardinoꝛum duoꝛum Pomarioꝛ ducentarum Acrarum Terre viginti Acr Pꝛati cētum Acrarum Pasture & ducentar Acrarum Jampnoꝛum & Bruere cum pt in Hardingham Reymerston Hingha Hin ham Barrow & Rymberley Acetiam de P dietate Scitus Manerii de Reymerston al Cavely Hals alias Calveley Yards cum p tiñ ac unius Gardini unius Pomarii se ginta Acꝛ Terre decem Acꝛ Pꝛati trigi Acꝛ Pasture & quadꝛaginta Acrarum Bos cum ptiñ in Reymerston Et nisi ꝛc.

Et est Concoꝛdia talis scilc quod pdict Thomas recognovit Manerium Tenemen ta tres partes & medietatem cum ptiñ esse Jus ꝛc.

A Fine *sur conceſſit*, of the Moiety of a Mannor, Meſſuages, Gardens, a Mill, Land, Meadow, Paſture, Wood, Furze and Heath; and of Common of Paſture and Fiſhing.

Ebor' ſſ. PRecipe Thome Howard Armiger' & Marie Ducisſe Dotisſe Richmond & Lenor' uxori ejus qđ juſte &c. teneant Willo Jones Armigero Conventionem &c. de Medietate Manerii de Settrington cũ ptiñ ac quinquaginta Meſuagiorum quadraginta octo Gardinorum unius Molendini ſex mille Acrarum Terre ducentarum Acrarum Prati octingentarum Acrarum Paſture ſexcentarum Acrarum Boſci ſeptingentarũ Acrarum Jampnorum & Bruere Ac de Communia paſture pro omnimodis Averiis & libera piſcaria cum ptinen in Settrington Hoaglithorpe Norton Barwent & Sutton Et niſi &c.

Et eſt Concordia talis ſcilt qđ pđ Thomas & Maria conceſſerunt pfato Willo premiſſas Medietat Communiam paſture & piſc' cum ptiñ Habend & tenend eidem Willo a Feſto Sancti Michaelis Archangeli ult' preterit uſq; finem termini quigentorum Annor' extunc pxor' ſequen & plenar' complend (ſi pdict Maria tamdiu vixerit) reddend inde annuatim pdict Thome & Marie unum Granum Piperis ad Feſtum Sancti Michis Archangeli annuatim ſolvend toto termino pdict (ſi pdict Maria tam diu vixerit) ſi petatur

tatur Et ꝓdict Thom̃ & hered̃ sui Mar' ꝓdict Willo ꝓdict Predictat Communiam pasture & piscar' cum ptiñ sicut ꝓdict est contra ꝓdict Thomam & hered̃ suos toto termin̄ ꝓdict (si ꝓdict Maria tamdiu vixerit) Et ꝓdict Thomas & Maria & heredes ipsius Mar' Mar' ꝓdict Willo ꝓdict Predictat Communiam pasture & piscar' cum ptiñ sicut ꝓdict est contra ꝓdict Thomam & Mariam & heredes ipsius Marie toto termino ꝓdict (si ꝓdict Maria tamdiu vixerit) Et ꝓ hac &c.

Capt & cognit̄ fin̄ die Octobris Anno Regni Regis Caroli secundi decimo nono coram
Orl. Bridgman.

Of certain Messuages, Gardens, Orchards, Land, Meadow, Pasture and Wood. Of the Moiety of a Mannor, 300 Acres of Furze and Heath, and 6 *l.* 13 *s.* 4 *d.* Rent. And of Common of Pasture for all Cattle.

Essex. ss. PRecipe Johanni Abdy Militi & Baronet Johñi Chapman & & Robto Abbot Gen̄ qd̄ juste &c. tenᵈ Eliz. Harvey Militi & Johñi Prestwood Conven'onem &c. de tribus Messuagiis tribus Gardinis quatuor Pomariis quadraginta Acr' Terre triginta Acris Prati centum Acr' Pasture & quinque Acris Bosci Ac de dictate Manerii de Barringtons alias Barrington cum pertinen' & trescentarum Acrarum Jampnorum & Bruere & sex Librat' tresc'

eim

cim Solidat' & quatuor Denariat' Reddit' Necnon de Communia pasture pro omnibus Averiis cum pertinentiis in Chigwell Woodford Loughton alias Lowton & Fortha de Waltham Sancte Crucis Et nisi &c.

Et est Concordia talis scilt quod dicti Robertus Johannes Chapman & Robertus recognoverunt predicta Tenementa Hereditat & Communiam pasture cum pertinen esse Jus ipsius Eliab ut illa que idem Eliab & Johnes Prestwood habent de dono dñi Robti Johnis Chapman & Robti.

Of the third part of ſeveral Meſſuages; certain Land, Meadow, Paſture and Wood.

Suff. ſſ. PRecipe Jemunah Waldegrave qđ juſte &c. teneat Waldegrave Pelham Armigero & Willielmo Wyat Gentold Conventionem &c. de tertia parte unum Meſſuagiorum centum & quinque Acrarum Terre viginti & novem Acrarum Prati octoginta & octo Acrarum Paſture & Acrarum Bolci cum ptin in Bures Sce Marie Cozmarth magna & Cozmarth parva &c. nill &c.

Et est Concordia talis scilt quod dict' Jemunah recognovit predictam tertiam partem cum pertinentiis esse Jus ipsius Waldegrave

Of

Of the Moiety of a Mannor, and the Moiety of an Advowſon of a Church (*inter alia.*)

Ebor' ſſ. PRecipe Brian Cockayne Vicecomiti Cullen in Regno Hibernie & Elizabethe uxori ejus & Georgio Blunt Arm & Marie (Vicecomitiſſe Dotiſſe Cullen in Regno Hibnie) uxori ejus quod juſte & teneant Carolo Pawlet Domino St. John de Baſing & Johi Norton Baronetto Conventionem &c. de octo Meſuagiis uno Molendino octo Gardinis octo Pomariis quingentis Acris Terre ducentis Acris Prati quingentis Acris Paſture triginta Acris Boſci octingentis Acris Jampnor & Bruviginti ſolidat Reddit Communia Paſture liba Warenna cum ptin in Hanging Grimſton Uncleby Sirtendale alſs Thirtendale Kirby Underdale Ac de omnibus & omnimodis Decimis quibuſcunq annuatim provenien creſcen ſeu renovan in Hanging Grimſton Uncleby Sirtendale alſs Thirtendale & Kirby Underdale Necnon de medietate Manii de Hanging Grimſton cum ptin Acetia de medietate Advocationis Eccleſie de Kirby Underdale Et niſi &c.

Et eſt Concordia talis ſcilt quod predict Brianus & Elizabetha & Georgius & Marie recogn dict Tenementa Communiam Paſture Warennam Decimas ac medietatem cum ptin eſſe jus &c.

Of certain Meſſuages, Cottages, a Dove-houſe, Gardens, Orchards, Land, Meadow, Paſture, Wood, freſh Marſh, ſalt Marſh, a Wharf, and two Paſſages over the *Thames*; of the Moiety of a Mannor, 100 s. Rent, and of an Advowſon.

Eſſex' ſſ. PRecipe P. H. Baronetto J. P. Arm & R. C. Arm qd juſte &c. teneant J. W. Geñ & T. B. Geñ Conventionem &c. de decem Meſuagiis octo Cotagiis uno Columbar' decem Gardinis decem Pomariis treſcentis & ſeptuaginta Acris Terre triginta & quinq; Acris Prati triginta Acris Paſture octoginta Acris Boſci ducentis Acris Mariſci friſci decem Acris Mariſci ſalſi una Wharfa & duobus Paſſagiis ultra aquā Thamis̄ cum ptin̄ in W. T. D. P. D. S. G. A. P. G. & T. Ac de medietate Manerii de W. T. alis &c. cum ptin̄. Necnon centum ſolidat̄ redd̄ cum ptin̄ Acetia Advocationis Eccleſie de W. T. Et niſi &c.

Et eſt Concordia talis ſcilt̄ quod prædicti P. J. P. & R. recognoverunt p̄dict̄ Tenementa Wharfam Paſſagia & Medietat' cum ptin̄' ac medietatem Advocationis prædictæ eſſe jus &c.

Upon

Upon two Writs of Covenant.

(1) Of the moiety of a Mannor, the moie of an Hundred, and of ſeveral Meſſuage Cottages, certain Land, Meadow, Paſtu Wood, Furze and Heath, Moor, Marſh, a 100 s. Rent. Of the moiety of Comm Paſture for all manner of Cattle, and of t the moiety of View of Frank-pledge, Go and Chattels of Felons and Fugitives, F lons *de ſe*, Deodands, Waifs, Liberties a Priviledges in the County of *Wiltes'*.

(2) Of the moiety of certain Meſſuages, G dens, Land, Meadow and Paſture, in t County of *Somerſet*.

Wiltes' ff. Pſtercine Robto Danvers al Villiers Arm & Elizabet uxori ejus quod juſte &c. teneant Willielm Millet Gen Conventionem &c. de medietat Pañii de Weſtbury Arund Weſtbury Wel Newdits Leigh Prioꝛs Weſtbury Leverſe Brembꝛidge Hawkeridge Heywood Leigh Seawell cum ptin Ac de medietate Hu medi de Weſtbury cum ptin Decem cen Meſſuagiozum centum & ſeraginta Cotagi duay mille Acray Terre quadꝛingentay A cray Boſci mille Acray Jampnoy & Bꝛuer ſexcentay Acray Moꝛe ſexcentay Acray Pa riſci & cent ſolidat Reddit Acetia medietat Communie Paſture pro omnimodis Averiis Ac de medietate Uiꝰ Franc pleg Bonoꝛum

& Catallorum Felonum & Fugitivorum Felonum de se Deodand Wayiat Libat & Privileg cum ptin in Yawkridge Heywood Yatton Milborne Stoke Brooke Penley Liegh Brembridge Le Marsh Bilton Chapmanslade Westbury Imber Edington North Bradley Steple Ashton Soudley Trowbridge & Bradford Et nisi &c.

Somset. ff. PRecipe eisdem quod juste &c. teneant eidem Conventionem &c. de medietate octo Messuagior octo Gardinis centu Acrar Terre quadraginta Acrar Prati & teragint Act Pasture cu ptin in Beckington Rudge Sanderwicke & Berkley Et nisi &c. Et est Concordia talis scilt quod pdicti Robtus & Elizabetha recogn pdict mediet & Communiam pasture cum pertin esse jus &c.

Of divers Messuages, Gardens, Orchards, Acres of Land, Wood and Marish ground. Of the moiety of several Messuages, Gardens, Orchards, Acres of fresh and salt Marsh. Of the third part of certain Acres of Marsh ground in *B.* &c. of the Rectory of *B.* And of all and all manner of Tithes, Oblations, Obventions and Portions yearly coming, growing or renewing in *B.* &c. As also of the Advowson of the Vicaridge of the Church of *B.*

Hanc' ff. PRecipe Georgio Poore Baron & Francisce uxori ejus quod juste &c.

&c. teneant J. P. Arm & T. B. Gen Con-
ventionem &c. de duobus Pelsuagiis duobus
Gardinis duobus Pomariis centum Acris
Terre quindecim Acris Bolci & centū Acris
Marisci Ac de medietate trium Pelsuagiorū
trium Gardinorum trium Pomariorum qui-
dringentarum & quadraginta Acrar Maris-
frisci & quadringentar & quinquaginta Acrar
Marisci salsi Necnon de ttia pte trescentar
& quing Acrar Marisci cum ptin in Pa-
rochia Sanc' Johan Bapt Byrthingt
Minster Bobbing Milton Cheatney & Iwad
Acetiam de Rectoria de Bobbing cum per
Ac de omnibus & omnimodis Decimis Ob-
lationibus Obventionibus & Porcionibus an-
nuatim provenien crescen seu renovand
Bobbing & Milton Necnon de Advocatio
Vicarie Ecclesie de Bobbing Et nisi &c.

Et est Concordia talis scilt quod pdict
Georgius & Francisca recogn pdicta Te-
menta Medietatem ttiam prem Rectorie
Decimas Oblationes Obventiones & Por-
tiones cum ptin ac Advocationem pdict ec
jus &c.

Of ſeveral Mannors, Meſſuages, Toſts, a Windmill, Gardens, Acres of Land, Meadow, Paſture, Wood, Furze and Heath, freſh Marſh, ſalt Marſh, Rent, Common of Paſture, free Fiſhing, Liberty of Foldage, free Warren, and View of Frank Pledge. *Of the moiety of divers Mannors, Meſſuages, Acres of Land, Meadow, Paſture, Wood, Furze and Heath, ſalt Marſh, and a Fold Courſe,* with the *Advowſons* of ſeveral *Churches* and a *Chappel.*

Norff. ff. PRecipe Chriſtofero Sparke Gen qđ juſte &c. teneat Radđ Newm Gen Conventionem &c. de Manijs de cle Aldby alias Aldby Hall Burough ancte Margarete Cockthorp Blakney alias nitterley Howel Hall alſs Aſtleys & Wiven Stafford alias Wiverton Ducis cum ptin treſdecim Meſuagijs quatuor Toftis uno lendino ventritico novem Gardinis mille triginta Acris Terre centum & triginta ris Prati ducentis & ſexaginta Acris Paſture nonaginta Acris Boſci quingentis & uinquaginta Acris Jampnorum & Bruere mingentis & quinquaginta Acris Pariſci riſci mille Acr Pariſci ſalſi ſexdecim libraț Redđ Communia Paſture libera Piſcaria ibate trium Faldagiorum libera Warenna Mis Franc pleg cum ptin in Acle Upton ſhley Boyton Burlington Aldby Toft nks Haddiſtoe Haddiſtoe Thorpe Whitre Eurrough Ranengham Thurlton Win-

del Winston Kerby Burgo Sancte Marg-
rete Burgo Sancte Marie Billockby Chip-
pesby Oby Waybridge Rollesby Marth-
Cockthorpe Stiffkey Langham Horst-
Blackney alias Sniterly Warham Vin-
Wiveton Glaundford & Cley Necnon
Medietate Manior de Netherhall & Stow-
cum ptin ac trium Messuagiorum ducenta-
Acrarum Terre quadraginta Acrarum P-
sture decem Acrarum Bosci octoginta Acr-
Jampnorum & Bruere trescentarum Acra-
Marisci & unius Faldagii cum ptin in Co-
thorpe Stiffkey Langham Horston Blac-
ney alias Sniterly Warham Binham Wi-
ton Glaundford & Cley Acetiam de Advoc-
tionibus Ecclesiarum de Acle Thorpe ju-
Yaddistoe Cockthorpe Sniterly Blackne-
Capelle de Glaunford Et nisi &c.

Et est Concordia talis scilt quod predic-
Christoferus recognovit Maneria Tenem-
ta Reddit Communiam Pasture Piscar
bertat Warennam Vis Franc pleg & n-
dietat cum ptin ac Advocationes predic-
esse jus &c.

Of Lands in the Isle of *Ely*.

Cantabr' ff. PRecipe Thome Davys &
zabethe uxori ejus Hount-
Wallis & Anne uxori ejus & Willo
quod juste &c. teneant Johanni Colvile
& Thome Browne Gerd Conventionem
de uno Messuagio uno Cotagio uno Gard-

uno Pomario triginta Acris Terre decem Acris Prati triginta Acris Pasture viginta Acris Marisci & Communia Pasture p omnibus Aciis cum ptin in Insula Elienſi Et nisi &c.

Et est Concordia talis scilt quod ptiat Thomas Davys & Elizabetha Mountford & Anna & Willielmus recognoverunt predicta Tenementa & Communia Pasture cum ptin esse Jus &c.

Capt & cognit 4 die Februar Anno decimo septimo Caroli Regis scbi coram nobis
George Rayson.
Jo. Turbill.
Charles Baxter.
} Virtute Dei Potest Cur Canc emanand Teste xxiv. Januarii Anno xvi.

A Fine levied in the County Palatine of *Lancaster*.

Lanc' ff. HEC est finalis Concordia facta in Curia Domini Regis apud Lancastr die Martis in quarta septimana quadragesime Anno Regni Domini nostri Caroli secundi Dei Gratia Anglie Scotie Francie & Hibernie Regis Fidei Defensoris &c. quintodecimo coram J. G. Milite & A. C. uno Sordien dicti Dni Regis ad Legem Justic eisdem Domini Regis apud Lancastr & aliis dicti Domini Regis fidelibus tunc ibi presentibus inter R. T. Y. S. & M. L. quer & J. H. & Wl. B. defor de Maniis de B.

& S. cum ptin̄ ac duobus Messuagiis tribus Cotagiis &c. cum ptin̄ Unde placitū Conventionis fuit inde int̄ eos scilt quod p̄dicti J. & W. recogn̄t p̄dicta Mañia & Tenementa cum ptin̄ esse jus &c.

A Fine of three Messuages (acknowledged by the word Messuagia in the Concord.)

London ss. Precipe Benjamino Stone Gen̄ & Margarete uxori ejus quod juste &c. teneant Willielmo Simpson Gen̄ & Josepho White Gen̄ Conventionem &c. de tribus Messuagiis cum ptin̄ in Parochia St. Brigette alīs St Bride Et nisi &c.

Et est Concordia talis scilt quod p̄dicti Benjaminus & Margareta recognoverunt p̄dicta Messuagia cum pertin̄ esse jus ipsius Willielmi ut ilt̄ que iidem Willelmus & Josephus habent de dono p̄dict Benjamini & Margarete Et ilt̄ remiserunt & quiete clamaverunt de ipsis Benjamino & Margarete & heredibus ipsius Margarete p̄dictis Willo & Josepho & heredibus ipsius Willielmi imppetuum Et p̄terea iidem Benjaminus & Margareta concesserunt p̄ro se & heredibus ipsius Margarete quod ipsi war̄ p̄dictis Willo & Josepho & heredibus ipsius Willielmi p̄dicta Messuagia cum ptin̄ contra p̄dictos Benjaminum & Margaretam & heredes ipsius Margarete imppetuum Et p̄ hac &c.

Capt

Capt & cognit vicesimo tertio die Julii Anno Regni Regis Caroli scdi quintodecimo coram me
Tho. Tyrril.
} Uno Justic de Communi Banco p Dcō Potestatem Teste 20 Junii Anno 15 supradicto.

A Fine upon two Writs of Covenant of eleven Cottages in *London*, and one Messuage in the County of *Middlesex* (acknowledged by the word Tenementa in the Concord.)

London ss. PRecipe Radō Freeman Militi & Margarete uxori ejus qō juste &c. tenēd Carolo Barter Generoso Convenēd &c. de undecim Cotagiis cum pertin' in Parochia Sancti Stephani Coleman-street Et nisi &c.

Midd' ss. PRecipe eidem quod juste &c. tenēd eisdem Convenēd &c. de uno Messuagio cum ptin' in Parochia Scī Sepulchri extra Newgate Et nisi &c.

Et est Concordia talis scilt quod predicti Radus & Margareta recognōscunt predicta Tenementa cum ptin' esse jus ipsius Caroli ut ilt que idem Carolus habet de dono predict Radi & Margarete Et ilt remiserunt & quiete clamāt de ipsis Radō & Margareta & heredibus suis predicto Carolo & heredibus suis imppetuum Et preterea iidē Radus & Margareta concesserunt p se & heredibus ipsius Radi quod ipsi war predicto Carolo & heredibus suis predicta Tenementa cum ptin' contra predictos Radum

& Margaretam & heredes ipsius Radi ac contra heredes Willielmi Freeman Arm̃ Patris ipsius Radi & Martini Freeman Armigeri Avi prædicti Radi defunct impetuum &c. pro hac &c.

Capt & cognit decimo septimo die Junii Anno Regni Regis Caroli secundi sextodecimo coram nie

Orl. Bridgman.

Of thirty three Acres of fresh Marsh (by the word Tenementa in the Concord.)

Kanc' ff. PRecipe Johanni Brett Gen & Elizabethe uxori ejus qũ fuit &c. teneant Thome Major Conventione &c. de triginta & tribus Acris Marisci fresci cum ptin̄ in Old Rumney Et nisi &c.

Et est Concordia talis scilt quod prædict Johannes & Elizabetha recogn̄ p̄dict Tenementa cum ptin̄ esse jus ipsius Thome & ill̃ que idem Thomas habet de dono prædict Johannis & Elizabethe Et ill̃ remis & quiet clam̄ de ipsis Johanne & Elizabetha & heredibus suis p̄dicto Thome & heredibus suis imppetuum Et præterea iidem Johannes & Elizabetha concesserunt p se & heredibus ipsius Johannis quod ipsi war̄ p̄dicto Thome & heredibus suis p̄dicta Tenementa cum ptin̄ contra prædictos Johannem & Elizabetham & heredes

heredes ipſius Johannis impetuum Et pro hac &c.

Capt & cognit (ut ſupra.)

Of a Mannor, Park, and Scite of the late Monaſtery of *Ramſey*, with ſeveral Meſſuages, Cottages, Toſts, Dove-houſes, Gardens, Orchards, Acres of Land, Meadow, Paſture, Wood, Furze and Heath, Moor, Marſh and Turbary, and of a Rectory.

Hunt' ff. PRecipe Henrico Williams alias Cromwel Arm & Anne uxori ejus quod juſte &c. teneant Johanni Morris Gen Conventionem &c. de Manerio de Ramſey cum ptin ac de Parco de Ramſey cum ptin Necnon de Scitu nup Monaſterii de Ramſey cum ptin Aceciam de decem Meſſuagiis ſexdecim Cotagiis ſexdecim Toftis tribus Columbar viginti Gardinis viginti Pomariis ſexcentis Acris Terre centm Acris Prati quingentis Acris Paſture ſexaginta Acris Bolci quadringentis Acris Jampnorum & Bruere quatuor mille Acris More quatuor mille Acris Pariſci & duabus mille Acris Turbar cum ptin in Ramſey & Biggine Ac de Rectoria de Ramſey cum pertin Et nili &c.

Et eſt Concordia talis ſcilt quod Petit Henricus & Anna recogn Petita Manit Parcum Scitum Tenementa & Rectoriam cum ptin eſſe jus &c.

A Fine *sur Conceſſit* from two Cognizors to one Cognizee, of divers Mannors, Tenements, and of Common of Paſture, and a Rectory, to hold to the Cognizee for 60 years (if the Cognizors or either of them ſo long live) without Impeachment of Waſte, rendring the yearly Rent of a Pepper-Corn if demanded.

Norff. ff. PRecipe R. P. Bar & R. uxor ejus quod juſte &c. tenĩ T. P. (S. T. D.) Com &c. de Man de P. L. H. S. W. B. B. E. alias E. alias W. & H. cum ptin Ac de triginta Meſuag tribus Molendinis triginta Gardinis trigin Pomariis octingentis Acris Terre centu Acris Prati ducentis Acris Paſture centu Acris Boſci mille Acris Jampnorum Bruere & Communia Paſture cum ptin Paſton Happesburgh Lambs alias Lam Scottow Parham Baſton Bromehome Bel wicke Knapton Trunch Mundeſley Crome Greſham Barmingham Eaſt Beckham We Beckham Aylmerton Felbrigge Rowto Suſted Petton Town Barmingham North wood Barmingham Winter Barmingham Barmingham parva Mattlaske Plumſte Hempſted prope Baconſthorpe Baconſthorpe Wickner Thurkargon Albourogh als Ayle borough Edenthorpe alias Edithorpe Croſt wicke Ridlington Walcot & Swayfield Necnon de Rectoria de Paſton cum ptin Et niſi &c.

Et

Et est Concordia talis scilt quod predicti R. & R. concesserunt predicto T. predicta Maneria Tenementa Communiam pasture & Rectoriam cum pertinen habend & tenend idem T. a Festo Natalis Domini ult pre-terit usque finem termini sexaginta annorum extunc pxor' sequen & plenar complend si predicti R. & R. seu eorum alter tam diu vixerint sine impetitione alicujus Mariti Reddend inde annuatim predictis R. & R. unum Granum Piperis ad Festum Sancti Michaelis Archangeli annuatim solvend toto termino predicto si petatur si predicti R. & R. seu eorum alter tam diu vixerint Et predicti R. & R. & heredes filius R. (viri) warant predicto T. predicta Maneria Tenementa Communiam pasture & Rectoriam cum pertinen sicut prefatum est toto termino predicto si predicti R. & R. seu eorum alter tam diu vixerint Et pro hac &c.

Capt & cognit, ut supra.

Upon

Upon two Writs of Covenant.

(1.) Of a Mannor, Park, Meſſuages, Co tages, a Wind-Mill for Corn, Dove-houſe Gardens, Orchards, Land, Meadow, P ſture, Wood, Furze and Heath, Rent, Co mon of Paſture, Liberty of Foldage, Fr Warren, View of Frank Pledge, and wha ever belongs to View of Frank Pledge, Goo and Chattels of Felons and Fugitives, Pe ſons outlawed and attainted, Felons *de* and of Deodands in the County of C *bridge*; And

(2.) Of a Mannor, Park, Meſſuages, a Wa Mill, a Dove-houſe, Gardens, Orcha Land, Meadow, Paſture, Wood, Furze Heath, Liberty of Foldage and Rent in County of *Suffolk*.

Cantabr' ff. PRecipe Johanni Cotton Mi & Baronetto & Jane u ejus quod juſte &c. teneant Martino Fol ſen Gen & Martino Folkes jun Gen C ventionem &c. de Manerio de Cheveley c ptin ac de Parco de Cheveley cum p Necnon de ſex Meluagiis ſex Cotagiis Molendino ventritico duobus Columbar Gardinis ſex Pomar' tricentis & quin ginta Acris Terre quadraginta Acris P centum & quadraginta Acris Paſture qua ginta Acris Boſci quingentis Acris Ja norum & Bruere viginti ſolidat Reddit C mu

unia pasture Libertat Faldagii Libera
Warenna Uiis Franc pleg & quicquid ad
Uiis Franc pleg ptinet Bonis & Catallis Fe-
onum & Fugitivorum Utlagatorum & at-
ctorum Felonum de se & Deodand cum
in Cheveley Ashley Silverley Kirtling
Wood Ditton Ditton Vallence Ditton Ca-
incyes & Serton Acetiam de Advocatione
Ecclesie de Cheveley Et nisi &c.

Mich. fl. PRecipe eisdem quod juste &c. te-
neant eisdem Conventionem &c.
Panerio de Lidgate cum ptin ac de Parco
Lidgate cum ptin Necnon de duobus
Silvagiis uno Molendino aquatico uno Co-
mbar duobus Gardinis duobus Pomariis
lle Acris Terre centum Acris Prati tres-
ntis Acris Pasture viginti & quinq Acris
Bosci trescentis Acris Jampnorum & Bruere
Libtate Faldagii & triginta solidat Reddit
m ptin in Lidgate Dwlden Wickham
Brooke Curtling Ashley Cowling Dalham
Dowlton & Bradley parva Ac de Advoca-
one Ecclesie de Lidgate Et nisi &c.

Et est Concordia talis scilt quod predicti
hannes & Jana recognoverunt ptca Pa-
ria Parca Tenementa Communiam pa-
ure Liberam Warennam Uiis Franc pleg
quicquid ad Uiis Franc pleg ptinet Li-
rtat Faldagiorum bona & catalla Felonu
Fugitivorum Utlagatorum & Attinctorum
elonum de se & Deodand cum ptin ac Ad-
ationes predictas esse jus ipius Martini

sen

ſeñ ut ilꝛ que iidem Martinus ſeñ & M
tinus jun̄ habent de dono p̄dictorum
hannis & Jane Et ilꝛ remiſerunt & qu
clamaverunt de ipſis Johanne & Jana &
redibus ipſius Johannis p̄dicto Mart
ſeñ & Martino jun̄ & heredibus ipſius M
tini ſeñ imppetuum Et p̄ꝛeꝛea iidem
hannes & Jana conceſſerunt p̄ ſe & her
bus ipſius Johannis quod ipſi war p̄dict
Martino ſeñ & Martino jun̄ & heredibus
ſius Martini ſeñ p̄dicta Maneria P
Tenementa Communiam paſture Liber
Warennam Uiſ Franc̄ pleg̃ & quicquid
Uiſ Franc̄ pleg̃ p̄tinet Libertat̄ Faldag
bona & catalla Felonum & Fugitivorum
lagatorum & Attinctorum Felonum de
Deodand̄ cum pertin̄ ac Advocationes
dictas contra p̄dictos Johannem & Janam
heredes ipſius Johannis imppetuum
hac ꝛc.

Capt & cognit̄ ꝛtio die Martii
Anno Regni Regis Caroli ſcōi
ſexto decimo coram me
Jo. Vaughan.

A Fine levied of 100 *l.* annual Rent iſſuing o
of ſeveral Mannors, Meſſuages, Cottag
Barns, a Dove-houſe, Gardens, Orcha
Land, Meadow, Paſture, Wood, Furze
Heath, 40 *s.* Rent, and Free Fiſhing.

Buck. ff. PRecipe Thome Iſaac Arm̄ & I
herine uxori ejus Alexan
Hurlſt

urliſton Ged Humfrido Hurliſton Ged & ole Hurliſton quod juſte &c. teneant Carolo ncombe Ged & Willielmo Bartlett Ged Conventionem &c. de annuali Redditu um Librarum exeun de & ex Maneriis Tyringham & Filgrave cum ptin Ac de quing Meſuagiis quing Cotagiis quin- Horreis uno Columbar quing Gardinis ing Pomariis quadringentis Acris Terre entis Acris Prati octingentis Acris Pa- tribus Acris Bolci centum Acris mpnorum & Bruere & quadraginta ſolidat dit cum ptin in Tyringham & Filgrave rnon de libera Piſcaria in Aqua de Owle m ptin in Tyringham & Filgrave Et &c.

Et eſt Concordia talis ſcilt quod predicti homas & Katherina Alexander Humfridus Roſa recogn pdict Redditum eſſe jus ip- Caroli ut ilt que idem Carolus & Wil- imus habent de dono pdict Thome & Ka- rine Alexandri Humfridi & Role Et ilt miſerunt & quiete clamaverunt de ſe & he- ibus ſuis predictis Carolo & Willielmo & redibus ipſius Caroli imppetuum Et pre- idem Thomas & Katherina conceſſerunt & heredibus ipſius Katherine quod ipſi predictis Carolo & Willo & heredibus Caroli pdict Redditum contra pdictos homam & Katherinam & heredes ipſius Ka- rine imperpetuum Et ulterius idem Alex- er conceſſit p ſe & heredibus ſuis qd ipſi predictis Carolo & Willielmo & heredi-

bus

bus ipſius Caroli ꝑdict Redditum contra
dictum Alexandꝛum & hereꝺes ſuos im
tuum Et inſuꝑ idem Humfridus con
ꝑ ſe & heredibus ſuis quod ipſi war
Carolo & Willo & heredibus ipſius C
ꝑdict Redditum contra predictum Humf
& hereꝺes ſuos imꝑpetuum Et etiam
Roſa conceſſit ꝑ ſe & heredibus ſuis quo
war predictis Carolo & Willo & here
ipſius Caroli predicti Redditum contra
dictam Roſam & hereꝺes ſuos imꝑpetuu
ꝑ hac &c.

Capt & cognit &c. ut ſupꝛa.

A Fine of an Honor, Mannor, Meſſuages,
tages, Dove-houſes, Gardens, Orchards,
Meadow, Paſture, Wood, and the Ad
ſon of a Church.

Hertf. ff. PRecipe Willielmo Willo
Domino Willoughby de
Geoꝛgio Willoughby Arm filio & her
paren predicti Willielmi Johanni
Arm & Willielmo Whitlocke Arm
juſte &c. teneant Matheo Blucke Ar
Conventionem &c. de honoꝛe de Hu
cum ptin ac de Manerio de Hunſdon
cin Decem de ſex Melnagiis ſex Co
duobus Columbar duodecim Gardinis
decim Pomariis mille Acris Terre qui
ginta Acris Pꝛati centum & quadꝛa
Acris Paſture & quatuoꝛ Acris Boſci
pertin in Hunſdon Caſtwicke & Sta

Acer

ceiam de Advocatione Eccleſie de Yuuldon
t nill ꝛc.

Et eſt Concordia talis ſcilt quod predicti
illielmus Dominus Willoughby Georg̃
ohannes & Williemus Whitlocke recogno-
erunt ꝑdicta Honorem Manerium & Tene-
enta cum ꝑtin̄ ac Advocationem ꝑdictam
le jus ipſius Mathei ut ill̃ que idem Ma-
heus habet de dono predictorum Willielmi
omini Willoughby Georgii Johannis &
illi Whitlocke Et ill̃ remiſerunt &
uiet clam̄ de ſe & heredibus ſuis ꝑdicto Ma-
heo & heredibus ſuis imppetuum Et pre-
ta idem Willus Dominus Willoughby
ncellit pro ſe & heredibus ſuis qđ ipſi war̄
dicto Matheo & heredibus ſuis ꝑdicta Hono-
m Manerium & Tenementa cum ꝑtin̄ ac
vocationem ꝑdict̃ contra ꝑdictum Wil-
lmum Dominum Willoughby & heredes
a imppetuum Et ult̃ius idem Georgius
ncellit p ſe & heredibus ſuis quod ipſi war̄
dicto Matheo & heredibus ſuis ꝑdicta Ho-
orem Manerium & Tenementa cum ꝑtin̄
Advocationem predictam contra ꝑdictum
eorgiū & heredes ſuos imppetuū Et inſup
m Johannes concellit pro ſe & heredibus
is qđ ipſi war̄ ꝑdicto Matheo & heredibus
is ꝑdicta Honorem Manerium & Tenem̃ta
um ꝑtin̄ ac Advocationem ꝑdictam contra
dictum Johannem & heredes ſuos imppe-
um Et etiam idem Willus Whitlocke
ncellit p ſe & heredibus ſuis qđ ipſi war̄
dicto Matheo & heredibus ſuis ꝑdicta Hono-

rem

rem Manerium & Tenementa cum ptin̄ ꝯ
Advocationem ꝑdictam contra ꝑdictum Wil
lielmum Whitlocke & heredes suos imppe
tuum Et p hac &c.

Capt & cognit &c. ut supra.

A Fine *sur Conceſſit* for ninety nine years (if th
Wife of the firſt Cognizor ſo long live) o
a Mannor, Burrough, Meſſuages, Tofts, Mil
Gardens, Land, Meadow, Paſture, Wood
Furze and Heath, Rent, Common of Paſtu
for all Cattle, a Rectory, and the Advowſ
of a Church.

Wiltes' ſſ. PRecipe R. H. Militi & H. ux
ejus J. M. Armi & R. C. Ar
nō juſte &c. teneant J. W. Gen Conve
tionem &c. de Manerio de W. B. alſ W.
tum ptin̄ ac de Burgo de W. B. alſ W.
Necnon de ducentis Meſuagiis quadragi
Toftis duobus Molendinis ducentis Gar
nis mille Acris Terre ducentis Acris Pa
tribus mille Acris Paſture triginta Acr
Bolci octingentis Acris Jampnor & Bruc
decem libraſ decem & novem ſolidaſ nove
denariaſ & uno obulaſ Reddit & Commun
paſture p omnibus Aḃis cūm ptin̄ in W
ton Baſſet alias Wotton Vetus Broad H
ton Cleeve Pipard Toskenham Eaſt T
kenham Weſt Toskenham Brinckwor
Lydiard Tregoſe Swindon & Foreſta
Braydon Acetiam de Rectorio de Wott
Baſſet alias Wotton Vetus cum ptin̄

de Advocatione Ecclesie de Wotton Basset alias Wotton Vetus Et nisi &c.

Et est Concordia talis scilt quod predicti R. Y. & Y. J. & R. C. concesserunt predicto J. W. predicta Manerium Burgum Tenementa Reddit Communiam pasture & Rectoriam cum ptin ac Advocationem predictam habend & tenend eidem J. a Festo Natalis Domini ult pretit usq finem termini nonaginta & novem annorum extunc pxor sequen & plenarie complend (si predicta Y. tam diu vixerit) Reddendo inde annuatim predictis J. Y. & R. C. & heredibus ipsius J. unum granu Piperis ad Festu Sci Mich Archangeli annuatim solvend toto termino predicto si petatur (si predicta Y. tam diu vixerit) Et predicti R. Y. & Y. & heredes ipsius R. war predicto J. W. predicta Manerium Burgum Tenementa Reddit Communiam pasture & Rectoriam cum pertin ac Advocationem predictam sicut predictum est toto termino predicto (si predicta Y. tam diu vixerit). Et predictus J. Y. & heredes sui war predicto J. W. predicta Manerium Burgum Tenementa Reddit Communiam pasture & Rectoriam cum ptin ac Advocationem predictam sicut predictum est toto termino predicto (si predicta Y. tam diu vixerit). Et ulterius idem R. C. & heredes sui warant predicto J. W. predicta Manerium Burgum Tenementa Reddit Communiam Pasture & Rectoriam cum pertin ac Advocationem predictam sicut predictum est toto termino

predicto (si predicta H. tam diu vixerit) &
pro hac &c.

Capt & cognit octavo die Decembris Anno Regni Regis Caroli secundi vicesimo secundo coram nobis

Angleſey,
Gilbert' Gerard,
Tho. Banks.

} Virtute Commissionis de Deo Pot Teste 22 Junii Anno 22 supradicto.

A Precipe of a Mannor, Meſſuages, Mills, Dove-houſe, Gardens, Land, Meadow, Paſture, Wood, Furze and Heath, Rent, Fair Warren, View of Frank Pledge, a Rectory and the Advowſon of a Church

Leic' ſſ. PRecipe Johanni Pretyman Baronetto Georgio Pretyman Baronetto & Elizabethe uxori ejus Edwardo Hungerford Militi Balnei Thomas Dolman Militi & Margerie uxori ejus Willo Pretyman Arm & Johanni Morris Gen qd juste &c. teneant Thome Waller servienti ad Legem & Nicho Smith Gen Conventionem &c. de Manerio de Loddington cum pertin ac de quinquaginta Meluagiis duobus Molendinis uno Columbar' quinquaginta Gardinis mille Acris Terre quadringentis Acris Prati octingentis Acris Pasture centis Acris Bosci centum Acris Campi & Bruere centum solidat Reddit Libe Marenna Vis Franc' pleg cum pertin

Lon

Loddington Tilton Laund & Whadborow alias Whadborough Necnon de Rectoria de Loddington cum ptin̄ Ac etiam de Advocatione Vicarie Ecclesie de Loddington Et nisi &c.

Et est Concordia talis scilt quod p̄dicti Johannes Pretyman Georgius & Elizabetha Edwardus Thomas Doleman & Margeria Willielmus & Johannes Norris recogn̄ p̄dicta Manerium Tenementa Reddit Liberā Warennam Uiš Franc̄ plegˀ & Rectoriam cum ptin̄ ac Advocationem p̄dictam esse jus ipsius Thome Waller ut ill̄ que idem Thomas & Nichus habent de dono p̄dictorum Johannis Pretyman Georgii & Elizabethe Edwardi Thome Doleman & Margerie Willielmi & Johannis Norris Et ill̄ remiserunt & quiete clamaverunt de se & heredibus suis p̄dictis Thome Waller & Nicho & heredibus ipsius Thome imppetuum Et p̄terea idem Johannes Pretyman concessit p̄o se & heredibus suis quod ipsi war̄ p̄dictis Thome Waller & Nicho & heredibus ipsius Thome p̄dicta Manerium Tenementa Reddit Liberam Warennam Uiš Franc̄ plegˀ & Rectoriam cum ptin̄ ac Advocationem p̄dictam contra p̄dictum Johannem Pretyman & heredes suos imppetuum Et ulterius idem Georgius & Elizabetha concesserunt p̄o se & heredibus ipsius Georgii quod ipsi warant̄ p̄dictis Thome Waller & Nicho & heredibus ipsius Thome p̄dicta Manerium Tenementa Reddit Li-

beram Warenna Uiš Franc pleg & Rectoriam cum pertin ac Advocationem predictam contra predictos Georgium & Elizabetham & heredes ipsius Georgii imppetuum Et insup idem Edwardus concessit pro se & heredibus suis quod ipsi warant predictis Thome Waller & Nicho & heredibus ipsius Thome predicta Manerium Tenementa Reddit Liberam Warennam Uiš Franc pleg & Rectoriam cum pertin ac Advocationem predictam contra predictum Edwardum & heredes suos imperpetuum Et etiam idem Thomas Doleman & Margeria concesserunt pro se & heredibus ipsius Thome quod ipsi warant predictis Thome Waller & Nicho & heredibus ipsius Thome predicta Manerium Tenementa Reddit Liberam Warennam Uiš Franc pleg & Rectoriam cum pertin ac Advocationem predictam contra predictam Thomam Doleman & Margeriam & heredes ipsius Thome imppetuum Acetiam idem Willielmus concessit pro se & heredibus suis quod ipsi war predictis Thome Waller & Nicho & heredibus ipsius Thome predicta Manerium Tenementa Redditum Liberam Warennam Uiš Franc pleg & Rectoriam cum pertin ac Advocationem predictam contra predictum Willielmum & heredes suos imppetuum Et denicz idem Johannes Morris concessit pro se & heredibus suis quod ipsi warant predictis Thome Waller & Nicho & heredibus ipsius Thome predicta Manerium Tenementa Redditum Liberam Warennam Uiš Franc pleg & Rectoriam

ꝺoꝛiam cum ꝓtiñ ac Advocationem ꝓꝛedicta contra ꝓꝛedictum Johannem Moꝛꝛis & heꝛedes ſuos imꝓꝓetuum Et ꝓ hac &c.

Capt & cognit̃ per ſuꝓꝛanominat̃ Johannem Pꝛetyman Geoꝛgium Pꝛetyman & Elizabetham uꝛoꝛem ejus Edwardum Yungerfoꝛꝺ Willielmum Pꝛetyman & Johannem Moꝛꝛis quaꝛto ꝺie Auguſti Anno Regni Regis Caroli ſecundi viceſimo ſecundo coꝛam

Georg' Lulls,
Will' Belke.

Capt & cognit̃ per ſuꝓꝛanominat̃ Thomam Doleman & Maꝛgeꝛiam uꝛoꝛem ejus ꝺecimo octavo ꝺie Auguſti Anno Regni Domini Caroli ſecundi nunc Regis Anglie &c. viceſimo ſecundo coꝛam nobis

Rich' Pocock,
Phill' Kiftell.

} Virtute Commiſſionis de Dedimus Poteſtatem Teſte 22 ꝺie Julii Anno 22 ſuꝓꝛaꝺicto.

A Fine from eight Cognizors to two Cognizees, of a Mannor, Meſſuages, Cottages, Barns, a Dove-houſe, Gardens, Orchards, Land, Meadow, Paſture, Furze and Heath, Rent, Free Fiſhing, and the Advowſon of a Church, with ſpecial Warranty by the ſaid Cognizor and his Wife, againſt them and the Heirs of the Husband, and againſt the Heirs of his Brother and Father, and againſt all other claiming againſt them the ſaid Husband and Wife, Brother and Father, or either of them (the other Cognizors warranting generally againſt them and their Heirs.)

Buck. ff. PRecipe Willielmo Tyzingham Militi Baronetti & Dare uxori ejus Henrico Wright Armigero Johanni Hutchinſon generoſo Johanni Bathurſt Armigero Nicholao Lanyon Armigero & Dorothee uxori ejus & Edwardo Backwell Armigero quod juſte &c. teneant Johanni Norris Generoſo & Richardo Mountney Junioꝛi Generoſo Conventionem &c. de Manerio de Tyzingham cum pertinen' ac de quinque Meſuagiis quinque Cotagiis quinque Horreis uno Columbar' quinque Gardinis quinque Pomariis quadzingentis Acris Terre ducentis Acris Prati octingentis Acris Paſture tribus Acris Boſci centu' Acris Jampnozum & Bzuere & quadzaginta ſolidat' Redditt' cum pertinen' in Tyzingham Necnon

de

de libera Piscaria in Aqua de Owle cum p-
cin in Tyringham Acetiam de Advocatione
Ecclesie de Tyringham Et nisi &c.

Et est Concordia talis scilt quod predicti
Willielmus & Sara Henricus Johannes
Hutchinson Johannes Bathurst Nicholaus
& Dorothea & Edwardus recognoverunt pre-
dicta Manerium Tenemenea & Piscariam
cum pertinen ac Advocationem predictam esse
jus ipsius Johannis Morris ut ilt que iidem
Johannes & Richardus habent de dono pre-
dictorum Willielmi & Sare Henrici Johan-
nis Hutchinson Johannis Bathurst Nicholai
& Dorothee & Edwardi Et ilt remiserunt
& quiete clamaverunt de ipsis Willielmo &
Sara Henrico Johanne Hutchinson Johanne
Bathurst Nicholao & Dorothea & Edwardo
& heredibus suis predictis Johanni Morris
& Richardo & heredibus ipsius Johannis im-
perpetuum Et preterea iidem Willielmus
& Sara concesserunt pro se & heredibus ip-
sius Willielmi quod ipsi war predictis Jo-
hanni Morris & Richardo & heredibus ipsius
Johannis predicta Manerium Tenementa &
Piscariam cum pertinen ac Advocationem
predictam contra predictos Willielmum &
Saram & heredes ipsius Willielmi ac contra
heredes Johannis Tyringham Militis Fra-
tris predicti Willielmi & Thome Tyring-
ham Militis Patris predicti Willielmi de-
functorum Ac contra omnes alios claman-
tes per predictos Willielmum & Saram Jo-
hannem & Thomam aut eorum alterum im-

perpetuum Et ulterius idem Henricus con-
cessit pro se & heredibus suis quod ipsi war
predictis Johanni Morris & Richardo & he-
redibus ipsius Johannis predicta Manerium
Tenementa & Piscariam cum ptinen ac Ad-
vocationem predictam contra predictum Hen-
ricum & heredes suos imperpetuum Et in-
super idem Johannes Hutchinson concessit
pro se & heredibus suis quod ipsi war pre-
dictis Johanni Morris & Richardo & hered-
bus ipsius Johannis predicta Manerium Te-
nementa & Piscariam cum ptinen ac Advo-
cationem predictam contra predictum Johan-
nem Hutchinson & heredes suos imperpe-
tuum Et etiam idem Johannes Bathurst
concessit pro se & heredibus suis quod ipsi
war predictis Johanni Morris & Richardo
heredibus ipsius Johannis predicta Manerium Tenementa & Piscariam cum ptinen
ac Advocationem predictam contra predictum
Johannem Bathurst & heredes suos imper-
petuum Et etiam idem Nicholaus & Do-
rothea concesserunt pro se & heredibus ipsius
Nicholai quod ipsi warant predictis Johanni
Morris & Richardo & heredibus ipsius Jo-
hannis predicta Manerium Tenementa &
Piscariam cum ptinen ac Advocationem pre-
dictam contra predictos Nicholaum & Doro-
theam & heredes ipsius Nicholai imperpe-
tuum Et denique idem Edwardus concessit
pro se & heredibus suis quod ipsi war pre-
dictis Johanni Morris & Richardo & heredi-
bus ipsius Johannis predicta Manerium Te-
nementa & Piscariam cum ptinen ac Advo-

cationem

ationem predictam contra predictum Edwar-
um & heredes suos imperpetuum Et pro
ar &c.

apt & cognit p supranomi-
os Nicholaum Lanyon &
Dorotheam uxorem ejus de-
cimo nono die Marcii Anno
Regni Domini Caroli scdi
nunc Regis Anglie &c. vice-
imo scdo coram nobis
Roberto Clayton,
Willielmo Belke.

apt & cognit p supranomi-
natos Willielmum Tyring-
am & Saram uxorem ejus
ohannem Bathurst & Edwar-
um Backwell vicesimo scdo
die Junii Anno Regni Regis
Caroli scdi vicesimo scdo coram
nobis
Roberto Clayton,
Richardo Marryot.

Virtute Commissionis de Dedimus Potestatem Teste nono die Marcii Anno 22 supradicto.

apt & cognit p supranomi-
natos Henricum Wright &
ohem Hutchinson primo die
Julii Anno Regni Regis Ca-
roli secundi vicesimo secundo
coram nobis
Roberto Clayton,
Willielmo Belke.

A Fine of divers Mannors, Meſſuages, Gard
Land, Meadow, Paſture, Wood, Furze
Heath, Courts Leet, Courts Baron, View
Frank-Pledge, Rectories, Tythes, Oblati
Penſions, Portions, and the Advowſon
ſeveral Churches. With five Warranties
four Captions.

Lincoln. ff. PRecipe Georgio Duci Buck
ham & Marie uxori ejus
naldo Grahine Armigero Georgio B
Militi Balnei & Elizabethe uxori ejus
hanni Morris Armigero & Robto Cla
Generoso qđ juste &c. teneant Thome
Generoso & Willo Belke Generoso
ventionem &c. de Maneriis de Wragb
Terrington cum ptin ac de decem M
decem Gardinis treſcentis Acris Terre
draginta Acris prati ducentis Acris p
rentum Acris Boſci trecentis Acris J
norum & Bruere Cur Let Cur Baro
Mis Franc pleg cu ptin in Wragby
wick Eaſt Terrington Weſt Terring
Houghton alis Holton cu Beckering T
butt Panton & Barkwith Acetiam de R
riis de Wragby & Terrington cum pti
Necnon de omnibus & omnimodis Dec
Oblationibus Pentionibus & Portion
annuatim provenien crescen ſeu ren
in Wragby Terrington Ac de Advoc
nibus Eccleſiarum de Wragby & Terri
ton Et niſi &c.

Et est Concordia talis scilt qd ꝓdict Dux
Maria Ranaldus Georgius & Elizabetha
annes & Robtus recognoverunt predicta
neria Tenementa Cur Let Cur Baron
Franc pleg & Rectorias cum pertin
Decimas Oblationes Pentiones & Portio-
s ac Advocationes ꝓdict esse jus ipsius
ome Ut ilt que iidem Thomas & Wil-
mus habent de dono predictorum Ducis &
ie Ranaldi Georgii & Elizabethe Johnis
oberti Et ilt remiserunt & quiete clama-
t de ipsis Duce & Maria Ranaldo Georg
Elizabetha Johne & Robto & heredibus
ꝓdict Thome & Willo & heredibus ip-
Thome imperpetuum Et preterea iidem
& Maria concesserunt pro se & heredibus
Ducis quod ipsi war ꝓdict Thome &
lo & heredibus ipsius Thome predicta
neria Tenementa Cur Let Cur Baron
Franc pleg & Rectorias cum ptin ac
imas Oblationes Pentiones & Portiones
Advocationes ꝓdict contra ꝓdict Ducem &
iam & heredes ipsius Ducis imppetuum
ulterius idem Ranaldus concessit pro se &
edibus suis qd ipsi war ꝓdict Thome &
illo & heredibus ipsius Thome ꝓdict Ma-
ia Tenementa Cur Let Cur Baron
Franc pleg & Rectorias cum pertin ac
imas Oblationes Pentiones & Portiones
Advocationes predictas contra predict Ra-
dum & heredes suos imppetuum Et in-
iidem Georgius & Elizabetha concesse-
pro se & hered ipsius Georg qd ipsi war ꝓd
ho. & Willo & hered ipsius Tho. ꝓd Maria

Tene-

Tenemta Cur Let Cur Baron Uis Fr
pleg & Rectorias cum ptin ac Decimas
lationes Pentiones & Portiones ac Adv
tiones pdict contra pdict Georgium &
zabetham & heredes ipsius Georgii impp
um Et etiam idem Johes concessit pro
heredibus suis qd ipsi war predict Thom
Willo & heredibus ipsius Thome pdict
neria Tenementa Cur Let Cur Baron
Franc pleg & Rectorias cum ptin ac D
mas Oblationes Pentiones & Portione
Advocationes pdict contra predictum Joh
& heredes suos imppetuum Et idem R
tus concessit pro se & heredibus suis quod
war predictis Thome & Willo & hered
ipsius Thome predicta Maneria Tenem
Cur Let Cur Baron Uis Franc pl
Rectorias cum ptin ac Decimas Oblati
Pentiones & Portiones ac Advocationes
dictas contra pdictum Robtum & heredes
imperpetuum Et pro hac &c.

Capt & Cognit per supranominatos
Ducem & Mariam ux' ejus vicesimo
scdo die Junii Anno Regni Regis
Car Scdi vicesimo scdo coram
Edwardo Christian
Georgio Lulls.

Capt & cognit p supnominatos Jo-
hem Morris & Robtum Clayton
eisdem die & Anno coram
Philippo Kistel,
Georgio Lulls.

C

ꝯapt & cognit per ſpꝛanominatum
Manaldum Gꝛahine viceſimo octa-
vo die Junii Anno viceſimo ſecundo
ſupꝛadicto coꝛam

Georgio Lulls,
Tho. Mayhew.

ꝯapt & cognit per ſupꝛanominatos
Georgium Bꝛown & Elizabetham
uxoꝛem ejus pꝛimo die Julii Anno
viceſimo ſecundo ſupꝛadicto coꝛam
nobis

Philippo Kiſtell,
Tho. Pearſe.

Note, In a Recovery upon this Fine the Demandant counted ----- quod fuit ſeiſit de Maneriis Tenementis Cur Let Cur Baron Uiſ Franc pleg & Rectoriis pꝛedictis cum pertinen ac de Decimis Oblationibus Pentionibus & Poꝛtionibus pꝛedictis in dominico ſuo ut de feodo & jure Ac de Advocationibus pꝛedictis ut de feodo & jure &c. And the Warranties were----- Et gratis Maneria Tenementa Cur Let Cur Baron Uiſ Franc pleg & Rectorias pꝛedict cum pertinen ac Decimas Oblationes Pentiones Poꝛtiones & Advocationes pꝛedict et war &c.

A Fine upon two Writs of Covena

Of a great number of Mannors, ſeveral H
dreds, many Meſuages, divers Mills, D
houſes, Gardens, great quantities of L
Meadow, Paſture, Wood, Furze and He
More, Marſh, Alder, Land covered with
ter: Of Rent, Free Fiſhing, Liberty of
dage, Courts Leet, View of Frank-Ple
Of a Rectory and the Advowſons of ſe
Churches in *Suffolk*. And
Of ſeveral Mannors, Meſſuages, Mills, D
houſes, Gardens, Land, Meadow, Pa
Wood, Furze and Heath, More, M
Alder, Rent, Free Fiſhing, Liberty of F
age, View of Frank-Pledge, a Rectory,
the Advowſons of a Church, and the V
ridge of a Church in *Norfolk*.

Suff. ff. PRecipe Willo Yeveningha
Marie uxori ejus qđ juſte ꝛc.
neant Bziano Cokayne Armig Viceco
Cullen in Regno Hibernie Radulpho Ba
Militi Tho. Fanſhawe Militi Balnei C
Pit Ar & Carolo Cornwallis Ar Con ꝛc.
Manerijs de Wilton Yockwolde cum T
ton alias Wilton cum Yockwolde Pon
ges als Wilton Ponynges alias Yockw
Ponynges Scales alias Wilton Scales a
Yockwolde Scales Wuntforpes alias Yo
wolde Wuntforpes alias Wilton Wuntfo
Stewkeis Stynton Lowſtoft alias Ley
Ca

aſtlēt Weſtlēt Northlēt Southlēt Gor-
ſtone Wutford Carleton Bromeholme in
arleton Colvile Henſted alias Blunſton
adages Henſted Blundeſton alias Blun-
ns Henſted alias Henſteds Perpounds
lias Poynings Fritton alias Freton alias
retons Paſtons Blundeſton alias Gunviles
lias Scroopehal alias Gunviles Blunſton
eveningham Walpool Uppeſton alias Ub-
ſton Cookely Sybton Hall & Chickeringe
pertin Ac de Hundredis de Lothingland
Wutford cum pertin Acetiam de centum
eluagiis duobus Molendinis duobus Co-
mbar centum Gardinis tribus mille ſex-
tis & quinquaginta Acris Terre quingen-
Acris Prati quingentis Acris Paſture
ndringentis & ſeptuaginta Acris Boſci
ſcentis Acris Jampnorum & Bruere treſ-
nis Acris More mille Acris Pariſci cen-
m Acris Aineti octoginta Acr Terre aqua
perte decem Libras Reddit libera Piſca-
a Libertat duorum Faldagiorum Cur Let
Alis Franc pleg cum pertin in Brandon
akenheath Henſted Blundeſton alis Blun-
n Brentham Fritton alias Freton Be-
re alias Benaker Beſſingham Southcove
roſtendon alias Froſtenden North Hales
ydon Aggeſhal Stoven Ruſhmer Redſham
gna Redſham parva Beccles Somerleyton
las Somerly Town Hopton Olton Cor-
n Flixton Lounde Belton Herringfleet
unton Lowſtoft Athley Bradwel Burrough
rlēſtone Sotterly Weſton Northcove
kwaby Gilleham Barnaby Pakefield Bir-

by

by alias Kirkley Branby Castle Southto
Shadingfield Ellow Willingham Heveni
ham Walpool Uppestone alias Ubbe
Cookley Sybton Chickering Hunting
Laxfield & Pealeval Necnon de Advoca
nibus Ecclesiarum de Hensted Blunde
alias Blunston Fritton alias Freton & C
leton Colvile Et nisi &c.

Norff. ss. PRecipe eisdem quod juste &c.
neant eisdem Conventionem
de Mañiis de Wilton Hockwolde als H
wolde cum Wilton alias Wilton cū H
wolde Ponynges alias Wilton Pony
alias Hockwolde Ponynges Scales
Wilton alias Hockwolde Scales Nun
des alias Wilton Nuntfordes alias H
wolde Nuntfordes Stewkeis Stinton
teringham & Castlings cum pertiñ
centum Nelnagiis duobus Molendinis
bus Columbar centum Gardinis du
mille & quingentis Acris Terre ducen
seraginta Acris Prati septingentis A
Pasture centum & septuaginta Acris
trescentis Acris Jampnorum & Bruere
centis Acris Nore mille Acris Marisci
tum Acris Alneti centum Solidat Reddit
bera piscaria Libertat trium Faldagiorum
Uis Franc plēg cum pertiñ in Hockw
Wilton Feltwell Brandon Weting
teringham Hetherlett Carleton Cantlow
Intwood Acetiam de Rectoria de Retteri
ham cum pertiñ Necnon de Advocati
Ecclesie Sancti Petri in Hockwolde ac
vocati

vocatione Vicarie Ecclesie de Ketteringham Ge nisi &c.

Et est Concordia talis scilicet quod pre- dict Willus & Maria recogn predicta Mane- ria Hundreda Tenementa Reddit Piscarias Libertat Curt Let Uis Franc pleg & Re- cordiam cum pertinen ac Advocationes pre- dictas esse jus ipsius Briant ut ill que iidem Brianus Radulphus Thomas Edwardus & Carolus habent de dono predictorum Willi & Marie Et ill remiserunt & quiete clama- verunt de ipsis Willo & Maria & heredibus suis predictis Briano Radulpho Thome Ed- wardo & Carolo & heredibus ipsius Briani imperpetuum Et preterea iidem Willus & Maria concesserunt pro se & heredibus ipsius Willi qd ipsi war predict Briano Radul- pho Thome Edwardo & Carolo & heredibus ipsius Briani predicta Maneria Hundreda Tenementa Reddit Piscarias Libertat Curt Let Uis Franc pleg & Recordiam cum per- tin ac Advocationes pd contra pd Willum & Mariam & hered ipsius Willi imppetuum.

Capt & cognit quintodecimo die No- vembris Anno Regni Dni nostri Caroli Scdi nunc Regis Anglic &c. tertiodecimo coram

Jo. Morris,
Tho. Brown.

Virtute Brevis de Dedimus Potestaten
Teste 7 Nov. eod Anno.

Note, See the Kings's Letter directed to the Justices of the Court of *Common-Pl*[eas] at *Westminster*, to pass these two F[ines] in order to the suffering two Recoveries of the same Lands Entred upon a Plea R[oll] in *Michaelmas* Term, *Anno* 13 *Car.* *Rot.* 213. amongst the Entries of Mr. P[re]sents (now Mr. *Townsends*) Office of t[he] Term.

Thus have we set down the several Fo[rms] of Fines levied upon a Writ of Covenant, b[e]ing now mostly or altogether in use; tho[ugh] (as before observed) a Fine may be le[vied] upon a Writ of *Warrantia Chartæ* or a W[rit] of Right, or a Writ of Mesne, or a Writ [of] Custom and Services, &c. in which Cases t[he] Form is observed, *viz.*

The Writ is served upon the Party that [is] to acknowledge the Fine, and then he appe[ars] ing doth accordingly: See *Dyer fol.* 1[7]*vii.* 46. See *West sect.* 23.

A Deed to lead the Uſe of a Fine.

THis Indenture made &c. Between *F. H.* of *M.* in the County of *K.* Gentleman, and *S.* his Wife, and *T. A.* of *W.* in the ſame County Gentleman, and *A.* his Wife of the other part; and *R. S.* of *H.* in the ſame County Yeoman, of the other part, **Witneſſeth**, That it is covenanted, granted, concluded, condeſcended and agreed by and between the ſaid Parties to theſe preſent Indentures, in manner and form following (that is to ſay) Firſt, That the ſaid *F. H.* and *S.* his Wife, *T. A.* and *A.* his Wife, ſhall and will within the ſpace of ſix Months next enſuing the Date hereof, by [illegible]urſe of Law acknowledge and levy, unto the ſaid *R. S.* and his Heirs, before the Juſtices of his Majeſty's Court of *Common Pleas* at *Weſtminſter*, one Fine *Sur Conuzance de droit come ceo*, &c. whereupon Proclamations may be had according to the form of the Statute in that Caſe made and provided; of and for one Meſſuage or Tenement, one Barn, one Garden, one Orchard, and one piece or parcel of Land thereunto belonging, containing in all by eſtimation one Acre more or leſs, ſituate, lying and being in *M.* in the County aforeſaid, and now in the Tenure or Occupation of *I. W.* or of his Aſſigns, bounding and abutting to the Lands belonging to the Dean and Chapter of *Chriſt-Church Canterbury* towards the South and Weſt, to the Lands now or late of *T. H.* towards the Eaſt, and to the Kings High-way towards the North. Which

Fine as aforeſaid agreed upon to be levied, ſha
be levied by the name of one Meſſuage, or
Barn, one Garden, one Orchard, and one Ac
of Land, with the Appurtenances in *M.*
the County aforeſaid, or by ſuch other apt
fit name or names as ſhall be thought fit an
convenient. And it is hereby further covena
ed, granted, concluded, condeſcended and agre
by and between the ſaid parties to theſe P
ſents, that the ſaid Fine as aforeſaid agreed
on to be levied by the Name aforeſaid, or
what other Name or Names ſoever, or in wh
other manner and form ſoever ſhall be and en
And alſo the ſaid *R. S.* and his Heirs ſhall ſta
and be ſeized of the Premiſſes aforeſaid, and
every part and parcel thereof, to the only
and behoof of the ſaid *R. S.* his Heirs and
ſigns for ever, and to no other uſes, intents
purpoſes whatſoever. In Witneſs, &c.

Of the Effect and Operation
Fines.

WE now come to conſider the Effect an
Operation of Fines, wherein it is
be noted, That a Fine at this day is a final E
which doth conclude, bar and diſcharge
ever, as well Parties as Privies, and Eſtrang
to the ſame.

Except

Except { Women Covert, (other than ſuch as be Parties.)
Perſons being within the Age of 21. at the time of levying thereof.
Perſons in Priſon, or out of the Realm. And
Perſons of unſound Mind.

These and their Heirs have 5 years time to purſue their Right after theſe Imperfections be removed.

Theſe are excepted, not being Parties to ſuch Fines. *Quod nota.*

Saving alſo to Eſtrangers to ſuch Fines, ſuch Right, Title, Claim and Intereſt, as they have to the Land contained in the Fine at the time of the Ingroſſing thereof; ſo that they, or their Heirs, purſue the ſame by Action or lawful Entry within five years after Proclamations thereupon made according to the Statutes. And ſaving to all other Perſons ſuch Action, Right, Title, Claim and Intereſt in or to the Land, as firſt ſhall grow, deſcend, remain or come after the Fine ingroſſed, and Proclamations made, by force of any Cauſe or Matter had or made before the Fine levied, ſo that they purſue their Action, Right or Title within five years next after that it to them accrued. See the Stat. of *Fines*, 18 *Ed.* 1. 4. 34 *Ed.* 3. 16. 1 *R.* 3. 7. 4 *H.* 7. 24. 32 *H.* 8. 36.

Here an Action is maintainable againſt the Pernor of the Profits.

Here alſo the Action is maintainable againſt the Pernor of the Profits.

For the Explication of theſe Statutes obſerve:

Parties to the Fine how barred.

That the Perſons to be barred by a Fine are the Parties to the Fine, the Privies and Eſtrangers.

The Parties are really barred, although they

be Ideots or *Non compotes mentis*. *Co. Lit.* 247. *Co. Inſt.* 2d *Part* 516.

So the Fines of Men that have the Lethargy, old doting Perſons, drunken Men, &c. (though they ought not to be received, yet being received, are unavoidable and binding. 17 *Ed.* 3. 5. 78. 17. *Aſſ.* 17. *Plowd.* 368. 4 *Co.* 124.

The Parties themſelves to the Fine (if they be of the Age of 21 years) are for ever bound by the Fine, and have no time given them to Claim to avoid it: But an Infant is preſerved during his Minority; ſo that if he paſs away his Eſtate by Fine, it may be reverſed at any time during his Minority, but not afterwards. 17 *Ed.* 52. 78. 59 *Ed.* 3. 5. 2 *Bulſtr.* 320.

Infant party.

Such as are blind, deaf or dumb naturally or accidentally, if they can expreſs their mind in writing, may in ſome caſes be barred by their own, or by the Fines of another Man.

Privies how barred.

Privies who.

PRivies, being Heirs and Executors to the Parties (void of Impediment at the time of the Fine levied or not) if they claim by the ſame Title that their Anceſtor had that levied the Fine, are barred for ever by the Fine.

Privies in Blood.

And by Privies alſo are underſtood Privies in Blood, not only the Heir at the Common Law, but Heirs by Cuſtom, as Burrough Engliſh, Gavelkind, and the like, who claim as Heirs by Cuſtom. But by Privies are not intended ſuch

Privies

Privies in Eſtate, as are Joynt-Tenants, Donor and Donee, Leſſor and Leſſee, or the like, 2 *Co. Inſt.* 516.

That the Son ſhall never have remedy upon a Fine levied in the time of his Father, and the five Years after the Proclamations paſſed, but in caſe where the Right begins firſt to be a Right in the Son, *Poph. Rep.* 113. *Plow.* 369. A Son's Remedy.

Privies or Heirs in Eſtate and Blood, as he that is Heir to him, to whom the Land doth or ſhould deſcend, are within theſe Statutes, and ſhall be barred by the Fine of their Anceſtor of that Land: And ſo alſo ſhall Privies in Eſtate, that are not Privies in Blood, as where one hath Land in Burrough Engliſh, and levies a Fine of it, hereby the younger Son is barred. Privies in Eſtate and Blood barred by the Fine of the Anceſtor.

If my Father diſſeize my Grandfather of an Eſtate in Fee, and thereof levy a Fine with Proclamations, and firſt my Grandfather, and then my Father dye, I am now barred as privy, for that I cannot otherwiſe convey my ſelf to the Lands than as Heir to my Father the Conuſor, *Dyer* 3. Diſſeiſor.

But one that makes his Title as Heir by another and not by him that levied the Fine, may not be barred. 1 *Crook* 377. Title by another and not by the Conuſor.

Alſo he that is privy in Blood only, and not in Eſtate alſo, is not within theſe Statutes, neither ſhall he be barred by the Fine. As if Lands be given to a Man and the Heirs Females of his Body, and he hath a Son and a Daughter, and the Son levy a Fine and die without Iſſue, this is no Bar to the Daughter; for though ſhe be Heir to his Blood, yet ſhe is no Heir to the Eſtate, Privy in Blood and not in Eſtate.

ſtate, nor hath ſhe need to make her Convey-ance to it by him; but if the Father had levyed it would have been otherwiſe, *Trin.* 21 *Jac. C. B. Godfrey's* Caſe.

If Husband and Wife Tenants in ſpecial Tail have Iſſue and the Wife die and the Husband marry another Wife and have Iſſue, and levy a Fine *Sur Cognizance de droit come ceo*, &c. and by the ſame Fine take an Eſtate in ſpecial Tail the Remainder over, *&c.* and dye: In this Caſe the Iſſue by the firſt Wife is barred, for that he is privy in Blood notwithſtanding the Continuance of Poſſeſſion in the Husband, *Dyer* 354.

So if Lands be given to Husband and Wife in ſpecial Tail, the Remainder to the right Heirs of the Husband in Fee, and he alone levieth a Fine with Proclamations of it: By this the Iſſue in Tayl may be barred; for he cannot otherwiſe convey himſelf to the Tail and deſcent in Tail than as Heir of the Body of Father and Mother, *Dyer* 3. 251. *Bro. Fines* 109.

Eſtrangers barred and who.

Perſons having preſent Right without Impediment.

SUch Eſtrangers as are to be concluded by a Fine, are all Perſons whatſoever, that either have preſent Right and no Impediment, who are barred by five years after Proclamations, if they make not their Claim within that time, and ſo as well Tenant for years, Tenant by Statute Merchant and Staple, Copyholders and Cuſtomary-holders, as Tenant of Free-hold and Inheri-

heritance, if they be out of Poſſeſſion or Sei- at the time of the Fine levied, are barred; a Fine levied by a Stranger (by the Com- n Law) cannot bar him that is in Poſſeſſion, *Co. Inſt.* 517.

Or they are ſuch as have preſent Right, and e Impediments, as Infants, Perſons in Pri- , *Non ſanæ memoriæ*, &c. And theſe are ed if they make not their Claim, &c. with- five years after the Impediment removed; d if after Proclamation their Impediments be olly removed, and afterwards they fall into like again and die, their Heirs ſhall not have years Claim anew; but the firſt years be- immediately after the firſt removal ſhall run to five years, *Plowd.* 375. Perſons having preſent Right with Impedi- ments.

Or they are ſuch as have no preſent but fu- e Right upon Cauſe precedent; and then Strangers to Fines being void of Impedi- nts, whoſe Right or Title cometh or de- ndeth to them after the Proclamations, have years after the coming of ſuch Right, R. 3. 7. 4 *H.* 7. 24. *Plowd.* 378. *a. b.* So in Remainder or Reverſion depending upon Eſtate of Free-hold after the Reverſion or mainder accrueth, hath five years to enter; d if he die before Entry, his Heir hath only years to enter after the death of the parti- r Tenant, *Plowd.* 374. *a. b.* But if theſe e Impediments, they ſhall have five years af- the Impediment removed, *Plowd.* 364. *a.* Perſons having future Right and no Impe- diments. Future Right with Impedi- ments.

Or they are ſuch as have neither preſent nor re Right at the levying of the Fine by reaſon any Matter had afore the Fine, whoſe Right groweth Perſons having neither pre- ſent nor future Right by rea- ſon of any Matter had a- fore the Fine.

groweth either intirely after the Proclama
or partly before, and partly after. And
may enter and claim when they pleaſe w
the time of Preſcription, as if the Fathe
ſeized, his Eldeſt Son being profeſs'd in R
on, and the Younger Son entreth, and
ſeiſed, and a Fine with Proclamations le
and after the Eldeſt Son is deraigned, *i.*
charged of his Profeſſion or Religion; it
eth he is bound to no time, but may claim
he will, *Plowd.* 3. *Stowel's* Caſe.

Note, If a ſingle Woman, being an Eſt
to the Fine, having preſent Right, take a
band who ſuffereth the five years to incu
is for ever barred, *Plowd.* 366. *a.*

They that have Right of a Reverſion o
mainder expectant upon an Eſtate Tail o
Life, ſhall have five years after their Title
unto them to make their Claim, 2 C
518.

Corporations. Civil Bodies and Corporations having
ſolute Eſtate ſo as to maintain a Writ of R
as Major and Commonalty, Dean and Ch
&c. are barred preſently as Privies, and
five years as Eſtrangers, as if one diſſeiz
a Corporation of Land belonging to it,
ter levy a Fine of it with Proclamation
they claim not, &c. within the five years,
are barred, *Plowd.* 537, 538.

Every Succeſſor new five years. But in ſuch Caſe of a Fine levied by a D
ſor or other, every Succeſſor or Succeſſors,
of the Corporation ſhall have a new five
to make their Claim, *Plowd.* 539.

So every Officer that hath Land appertaining his Office, as Parker, Foreſter, Keeper of a ol, &c. will be barred by Non-claim after a levied by a Diſſeiſor, and after five years after the Proclamations: But the Succeſ- ſhall not be bound, if he alſo ſhall not ſuffer years to paſs in his time. So that theſe and porations are by their Lacheſs barred only for own time, *Plowd.* 537.

Deans, Biſhops, Maſters of Hoſpitals, Par- Spiritual Perſons. , Vicars, Prebendaries, &c. which may not a Writ of Right, are not barred by five ; for they are reſtrained by divers Statutes levy a Fine to conclude their Succeſſors of Land as they hold in Right of their ches, Houſes, &c. Nor will the Non-claim ch prejudice their Succeſſors, *Plowd.* 138, 378, 538. *a.* And it is a Rule, That ſuch ns as may not have a Writ of Right, but r a *Juris Utrum*, or *ſine aſſenſu Capituli*, not barred by ſuch Fines, if the Patron and inary join not with them, *F. N. B.* 118.

y the ancient Common Law, he that had The time of Claim from the whole as to Strangers. t was to make his Claim, *&c.* within year and a day of the Fine levied and the cution thereof, or he was barred for ever; this Bar is gone. And if ſuch a Fine with- Proclamations be now levied, he that hath ght may make his Claim or Entry, &c. at time to prevent the Bar, *Co. Lit.* 254.

The

The Time of Claim.

A Leſſee for years ſhall have five years f the Commencement of his Leaſ claim, 2 *Cro.* 60. He that hath two T ſhall have two five years to make his Cl *Jenk. Cent.* 6. *Caſe* 45. Five years are g after a Remainder doth fail, and five year ter the Forfeiture of Tenant for Life, and years for a Woman to claim her Dower her Husband's death, *Plowd.* 374. *Dy* 19 *H.* 8. 7. An Infant ſhall have five after he comes to his full age, although he in his Mothers Womb at the time of the levied, *Plowd.* 539. Madmen, *&c.* have years after Cure of their Maladies, althoug Infirmity happen after the Fine levied, an fore the laſt Proclamation, *Plowd.* 339, 375, 377. *Dyer* 3. Eſtrangers out of Realm at the time of the Fine levied, have five years after their return; ſo alſo if were in *England* at the Fine levied, and in the five years be ſent in the King's Se and by his Commandment, *Plowd.* 366. the Party be beyond Sea at the time of Fine levied, and never return but die there Heir ſhall not be barred at all, Sir *Tho. Co* Caſe, 20 *Eliz.* If he be in *Ireland* or *Scotl* he ſhall be ſaid to be out of the Realm, 4 *H* *Plowd.* 367. They who have divers Defe have five years after the laſt Infirmity remov but if they be divers Impediments, and

wh

holly removed, and afterwards they fall into
e like again and die; the first five years be-
n in the Ancestors time shall proceed and be
koned to the Heir, and he shall at the end be
nd, as the Ancestor should, if he had re-
in'd free all the five years, *Plowd.* 375.
r 133.

If he that hath Right be beyond Sea at the
e and never return, the Heir is not limited to
e. And so it is of an Infant being Party to
Fine having present Right, if he dieth in
Infancy, his Heir is not limited: And so it
of a Person *Non compos mentis* by the Act of
d; or a Man in Prison by the Act of the
w; or a Feme Covert by her own Act if
die so, being no Parties to the Fine, 2 *Co.*
. 319, 320. *Plowd.* 366.

Of the Estate to be barred.

Note, That the Estates to be barred by a Fine
either Estates by Common Law, or by Cu-
m, as Copyhold. And those either in Fee
mple, Fee-Tail, for Life, or for Years. The
tes also of Tenants by *Elegit*, by Statute-
chant and Staple; and the Estates of a
rdian and Executors that are to hold Lands
Debts and Legacies paid, 5 *Co.* 123. *Saf-*
Case. 2 *Cro.* 60. *Goldsb.* 171.

To what things the Statutes extend.

The things whereunto these Statutes do ex-
d are Lands and Tenements only, and not
nts or other Profits aprender out of the Land;
therefore if a Fine be levied of a Rent or
mmon of Pasture, and he that hath Right doth
make his Claim; this is no Bar, 2 *Cro.* 61.
if I have Estovers out of the Land, or a Way

over

over the Land, and the like. *Plowd.* 378. 5 124. *Bro. Fines* 123.

Leſſee, &c. how barred. If Leſſee for years or Tenant by Statute Elegit be ouſted, and a Fine with Proclamations levied, and five years paſt, they are all red, *Plowd.* 374.

If one make a Leaſe for years to begin the end of another Term of years then in be The firſt Leaſe for years ends; the ſecond ſee doth not enter, but ſuffer him in Reve to enter, and he makes a Feoffment, and a Fine with Proclamations, and the five paſs; in this Caſe this Intereſt by the ſe Leaſe is barred, 5 *Co.* 123. 2 *Cro.* 60. 1 *Cro.* 77.

Leſſor and Leſſee. If Leſſee for years be ouſted, and by Leſſor diſſeiſed, the Diſſeiſor levy a Fine, five years paſs with Proclamations wit Claim: In this Caſe the Leſſor and Leſſee are barred, 2 *Cro.* 60. *Co.* 3. 77. *Fermor's C*

Copyholder and Lord. If one enter upon and put out a Copy-h in Fee of Land, and levy a Fine thereof, the Copy-holder ſuffer five years to paſs out Claim, &c. the Copy-holder and the both are hereby barred for ever. And yet Copyhold Eſtate be granted to one for Li Remainder to another for Life, and the Copyholder taketh a Bargain and Sale o Freehold from the Lord, and then levies a with Proclamations and five years paſs, b the Copyhold Eſtate in Remainder is not b *Brownl.* 2d part 153.

Leſſor, Leſſee. And if a Leaſe made for years, and the for or another, before the Entry of the L

a Fine with Proclamations, and the Leſſee
h not make his Claim within five years, by
the Leſſee is barred of his Intereſt for ever,
Co. 124. 9. 106. *Goldsb.* 171. And the
ht of a Term will be barred by a Fine, if
Leſſee were or might have ever been in
ſſion before the Fine levied, *Hill.* 43 *Eliz.*
and *Atkinſon*'s Caſe. But if *A.* be Co- Copyholder.
older for Life, the Remainder for Life, the
bargain and ſell, and levy a Fine to *B.* this
ndeth to *C.* who levies a Fine, five years
without Claim of him in Remainder, this
Bar; Adjudged 3 *Co.* 104. *Podger*'s Caſe.

cerning the Fines of Husband and Wife.

the Wife be within Age, and ſhe and her Wife within Age.
Husband levy a Fine of her Land, they may
Writ of Error reverſe it, and it ſhall be re-
d as to both of them, *Leon.* 115, 317.

Woman that has an Husband ought not Wife levies a Fine of her own Land without her Husband.
admitted alone without her Husband in
Caſe to levy a Fine: But if without her
and ſhe be admitted to levy a Fine of her
Lands, wherein ſhe hath Fee-ſimple, the
band may avoid it by Entry or otherwiſe
ing her Life, (or if he be Tenant by Curteſie,
may do it after her Death) but if he do not,
a good Fine, and will bind her and her Heirs
ever.

Except ſhe be an Infant at the time of the Exception.
levied, and her Husband happen to dye
during

during her Minority; For in this Case (if it be not a Fine *sur* Grant and Render to her in Tail or for Life) she may avoid it during her Minority: And yet if in this Case the Coverture continue till her full Age, she may not avoid it unless her Husband joyn with her in it.

Husband and Wife together.

But the Husband and Wife together either dispose of her own Land, or to bar her of Joynture or Dower upon her Husbands Land may and ought to be received to levy any Fine as any other Man or Woman may do, 122. 7. 8. 27 *Ass.* 51. *Co. Inst.* 3*d part* 5 *Hughs Rep.* 940.

Husband levies a Fine of the Wifes Land without her.

If the Husband without the Wife levy a Fine of the Wifes Lands, she and her Heirs may avoid it after his Death; but if she do not make her Claim, &c. within five years after her Husbands Death, then she is barred of her Right for ever notwithstanding the Stat. 32 *H.* 8. so are her Heirs barred for ever, as is said *Dyer* 72. *Plowd.* 373. *Lit. Sect.* 731.

Husband levies a Fine of his own Lands and dyes. Bar of Dower.

If the Husband levy a Fine of his own Land and die, and his Widow having no Impediment doth not make her Claim within five years after his Death, hereby she is barred of her Dower for ever. 2 *Co.* 93. *Dyer* 224. *Goldsb.* 1. *Co. Inst.* 3. 216. *Leon.* 3. 221.

Bar of Joynture, but not of Dower.

If a Joynture be made to a Woman after Coverture, and her Husband and she levy a Fine of it, by this she is without question barred her Joynture in the Land; but it is thought that this will be no Bar to her of her Dower of the residue of the Land of the Husband, especially where that the Fine is *Sur Cognizance*

le Droit come ceo, &c. *Dyer* 358. For that the Election to have Jointure or Dower is not given to her till her Husbands death, *Leon.* 285.

The Husband and Wife Tenants in ſpecial Tail, the Husband alone doth levy a Fine and die, the Wife may enter, but the Iſſue is barr'd, *Moor Rep.* 28. *Caſe* 90. Wife ſaved, and Iſſue barred.

If Husband and Wife be Tenants in ſpecial Tail, and they levy a Fine at Common Law, and take back an Eſtate to them and their Heirs, by this the Eſtate Tail is not barr'd, for here ſhe is not examined, and yet againſt a Fine levied by her ſelf ſhe ſhall not be reſtitted, for in this caſe ſhe is examined. *Lit.* ſect. 670. ſhe is not examined but when a Right is to paſs from her, *See* before. Wife not examined, Iſſue not barred.

If a Woman during her firſt Husbands Life marry a ſecond, and with him, and by his Name knowledge a Fine, it ſhall not bind her, becauſe ſhe is miſnamed, 7 *H.* 4. 22, 23. *Vide ante.* Two Husbands and levies a Fine with the ſecond.

And if ſhe levy a Fine with her right Huſband by a wrong Chriſtian Name, ſhe is bound by Eſtoppel during her Life, and the Tenant may plead that ſhe by ſuch a Name levied the Fine, 1 *Aſſ. pl.* 11. *Brook Fines* 117. with the firſt by a wrong Name barred by Eſtoppel.

If a Husband make a Feoffment of the Land of his Wife upon a Condition which is broken, the Feoffee levies a Fine, the Husband dieth in the fourth year after the Proclamations, having Iſſue by his Wife, and after the Wife dies, and five years paſs, the Heir is barr'd to enter as Heir to his Father upon the condition, but he ſhall have five years after the death of his Father, as Two five years

Heir to his Mother for her right, *Quando duo Jura in una persona concurrunt æquum est ac si essent in diversis*, Plow. 367.

How the first and second saving of the Act shall be construed, See *Plow.* 370. 3 Co. 86. 91. *Plow.* 374.

How the Act of the Husband shall bind the Wife.

No Fine, or other Act of the Husbands only, of or upon any the Lands that are the Inheritance or Freehold of his Wife, during the Coverture between them, shall hurt the Wife, but that she or her Heirs, or such as shall have right to the Land may avoid it; but the Fine of the Husband and Wife together, of her Lands is good, and shall bind her and her Heirs, 37 *H.* 8. *cap.* 2.

Forfeiture by the Feme of Jointure, Dower, &c.

She that hath an Estate of the Land that was her Husbands, or any of his Ancestors assured to her for Joynture, Dower, or Intail by her Husband, or any of his Ancestors, may not levy a Fine of this Land to grant a greater Estate thereby than for her own Life; if she do, this will make a present Forfeiture by Stat. 11 *H.* 7. *chap.* 20. And if such a Woman accept of a Fine *sur Cognizance de Droit come ceo*, &c. and by the same Fine render back the Land to the Cognizor for 100 years; this is within this Statute a Forfeiture. So if a Woman that hath Title of Dower, will before she be endowed, enter and levy a Fine, this will be within the Statute, and a Forfeiture of her Estate by 11 *H.* 7. 2 *Cro.* 689. 2 *Leon.* 206. But a Lease for 21 years by such a Woman Tenant in Tail, by her Husbands Gift, &c. albeit it be not warranted by 32 *H.* 8. Yet it seems this is no Forfeiture within 11 *H.* 7. 2 *Cro.* 689.

Fines

Fines by Tenant for Life, &c.

IF either the Cognizor or Cognizee at the time of the Fine levied be ſeized of an Eſtate of Freehold, in Fee-ſimple, Fee-tail, or for Life, in Poſſeſſion, Reverſion or Remainder, whether the ſame be by right or wrong, the Fine will be a good Fine as to point of Eſtate; and therefore if one that is ſeized of Land in Fee-ſimple or Fee-tail, general or ſpecial, levy a Fine of this Land to a Stranger, this is a good Fine; but if neither of the Parties have any thing in the Land paſſed, the Fine in many Caſes will be void and uſeleſs, and it may be avoided by this Plea, *viz.* That neither of the Parties had any thing to do with the Land, 41 *E.* 3. 14. 22 *H.* 6. 43. 3 *H.* 7. 9. 37 *H.* 8. 4.

The Freehold muſt be in one of the Parties.

Partes Finis nichil habuerunt, &c.

If a Fine be levied by or to a Tenant for Life of the Land he doth ſo hold, this Fine will be good as to the Eſtate of the Parties to the Fine; but he muſt take heed of a Forfeiture in this Caſe. For if a Tenant for Life levy a Fine *ſur Cognizance de Droit come ceo*, &c. to a Stranger, or levy a Fine *ſur Grant & Releaſe* to a Stranger, to hold to the Cognizee for longer time than for the Life of the Tenant for Life; in this caſe albeit the Fine be a good Fine, yet this is a Forfeiture of the Eſtate of the Tenant for Life, whereof he in Reverſion or Remainder may take preſent advantage and enter. But if ſuch a Tenant for

Forfeiture.

1 *Leon.* 51. Forfeiture.

Life levy a Fine *ſur Grant & Releaſe*, to hold to the Cognizee for the Life, of Tenant for Life, or grant his Eſtate by ſuch a Fine to him in Reverſion or Remainder, or by Fine grant a Rent out of the Land for longer time than for his own Life, this Fine is good, and there will be no Forfeiture of the Eſtate of the Tenant for Life by it: So likewiſe if ſuch a Fine be levied by Tenant for Life to a Stranger, who doth thereby acknowledge all his Right to be in the Tenant for Life, and releaſe, and quit-claim to him and his Heirs, and go no further; This is a good Fine, and no Forfeiture of the Eſtate of the Tenant for Life, for his Eſtate is not changed thereby, and it may enure to him in Reverſion. But if the Stranger ſay further in the Fine, *Come ceo que il ad de ſon done*, this is a Forfeiture, 27 *E.* 1. 1. 44 *E.* 3. 30. 1 *H.* 7. 5. The ſame Law is of ſuch Fines for Tenant in Tail after poſſibility, *&c.* and Tenant by the Courteſie, 39 *E.* 3. 16. And yet ſuch a Fine of Rent out of the Land is no Forfeiture.

Eſtate not changed.

Forfeiture.

Rent.

Grant and Surrender.

A Tenant for Life, in Tail after poſſibility, *&c.* or in Dower, may not by Fine grant and ſurrender his Eſtate to him in Reverſion, but he may grant and releaſe it by a Fine, 17 *E.* 3. 62. 24 *E.* 3. 26.

That if neither the Cognizor nor Cognizee be ſeized of any Eſtate in Freehold, in Poſſeſſion or Reverſion of the Land whereof the Fine is levied, at the time of levying thereof, but have only a Leaſe for years, or not ſo much; in this Caſe the Fine will be of no force as to any Stranger,

Stranger, however it may be good between the Parties themſelves to conclude them by way of Eſtoppel; and therefore if the Leſſee for years levy a Fine *ſur Cognizance de Droit come ceo*, this will not be a good Fine becauſe he hath no Franktenement in him, *Jenk. Cent.* 6. *Caſe* 45.

Eſtoppel.

No Frank-tenement.

If a Leſſee for years, or a Diſſeiſee, or one that hath a Right only to a Reverſion or Remainder, levy a Fine to a Stranger that hath nothing in the Land, this Fine will be void, or at leaſt voidable as for or to any Stranger to the Fine; and he that hath cauſe to except againſt it, may ſhew that the Freehold Eſtate and Seiſin of the Land was in another before, and at the time of the Fine levied, and that *Partes Fines nichil habuerunt tempore levationis Finis*, and by this avoid the Fine; and yet a Diſſeiſor may levy a Fine to a Stranger that hath nothing in the Land, and this will be a good Fine, for he hath the Fee-ſimple by wrong in him; and if the Diſſeiſee ſuffer five years to paſs without Claim, the Diſſeiſee is barr'd, *Plow.* 353. 6 *Co.* 105. 3 *Co.* 87.

Diſſeiſee levies to a Stranger.

Partes Finis nichil habuer'.

Diſſeiſor hath Feeſimple by wrong.

Bar by Eſtoppel, and how.

THIS Fine is ſometimes a Bar by way of Eſtoppel only: It is called an Eſtoppel where one is concluded and forbidden in Law to ſpeak againſt his own Act, (albeit it be the truth he would ſpeak) whereby his Mouth is ſtopt, and his Hands are bound, that now he can-

Eſtoppel what

not ſay or do, that which otherwiſe he might have ſaid or done; and this may be done by Matter of Record, or by Matter in a Deed, or by Fact in the Country. For this ſee 2 *Co.* 4. *Plowd.* 397, 431. *Fitz. N. B.* 97. 3 *Co.* 3. 19. 4 *Co. Hinds* Caſe. 4 *Co.* 53. 71. *Plowd.* 434. 21 *H.* 7. 24. 2 *Co.* 55. *Moor* 896. *Caſe* 869.

That where a Feoffment will work an Eſtoppel, there a Fine (which is a Feoffment upon Record) will much more work an Eſtoppel.

How Eſtoppels deſcend,

That Eſtoppels do always deſcend upon the Heir General, and upon the Heir at Common Law, and none others; and the Daughter which comes in by a *poſſeſſio Fratris* ſhall eſcape an Eſtoppel of the Father, *Hob.* 31. *Co. Inſt.* 1. 353.

In every Eſtoppel Privity is required, for it ought to be Reciprocal, *viz.* To bind both Parties, and therefore regularly a Stranger ſhall never take an advantage of, nor be bound by an Eſtoppel, but Privies in Blood, as the Heir, Privies in Eſtate, as the Feoffee, Leſſee, &c. Privies in Law, as the Lord by Eſcheat, Tenant by the Courteſie in Dower, the Incumbent of a Benefice, and others that come under by Act of Law, or in the Poſt, ſhall be bound and take advantage of Eſtoppels, *Co.* 1. *Inſt.* 353. See 2 *Co.* 58. 30 *H.* 6. 2 *Co.* 4. 53. *Godb.* 147.

And who ſhall be bound by it

Bar

Bar by Diſcontinuance.

THIS Fine doth ſometimes work a Diſcontinuance of Land, and the Poſſeſſion of it.

That is called a Diſcontinuance, where one that is preſent Owner of the Land doth grant ſome larger or greater Eſtate than he hath, (and thereby doth deveſt and interrupt the Inheritance or Eſtate which ſhould or ought to have come to another) and then dieth, and another hath right to have them, but he cannot enter by reaſon of ſuch Alienation. And there is a Diſcontinuance in Fact, which is where there is a tranſmutation of Poſſeſſion; and in Law, as by Cognizance of Right by Fine; by which, notwithſtanding that the Cognizor continue the Poſſeſſion, yet the other is Tenant in Law, and the Right of the Eſtate, or of the Tail is diſcontinued or diſſolved, *Lit.* 134. *ſect.* 192. *Lit.* 140. *Co. Lit.* 325. Diſcontinuance what.

That all Fines and Recoveries ſuffered by Tenant in Tail, to bar the Eſtate Tail, are Diſcontinuances, in which there is no remedy but in caſe where the Reverſion is in the King, 10 *Co.* 96. See *Moor* 870. Fines by Tenant in Tail are Diſcontinuances.

And note, That where a Feoffment will make a Diſcontinuance, there a Fine will much more make a Diſcontinuance.

Where an Eſtate is not diſcontinued, there regularly it is not barr'd by a Fine, 3 *Cro.* 827. *Moor* 170.

Fine works by Remitter.

Remitter what

THIS Fine doth ſometimes work by way of Remitter.

A Remitter is a Mans Reſtitution to his former Right, or where a Man is come to two Titles of Land, and his later is defective, and not ſo good as his former, he is remitted to the former and better Title, *&c.*

That no Remitter ſhall be in Caſe where there is a Fine or Recovery to hinder it, See *Co. Lit.* 349.

When it may be.

But if a Tenant in Tail levy a Fine with Proclamations, and after the ſame is reverſed by Writ of Deceit; in this Caſe the Iſſue in Tail is remitted, and ſhall avoid all the Eſtates made, becauſe the Fine is void between the Parties, 3 *Cro.* 471. *Cary* and *Dancy*.

See *Moo. Rep.* Caſe 106. *Plow.* 367. *Moo.* Caſe 257. *Bendl.* 30. *Hetl.* 110.

Extinguiſhment.

This Fine doth alſo ſometimes work by way of Extinguiſhment of Rent, *&c.* reſerved: For this See *Moo.* Caſe 249, 595. *Hob.* 3 *Co.* 51. 9 *Co.* 141. 1 *Bul.* 45. 2 *Cro.* 699. *Dyer* 213.

Forfeiture.

This Fine doth ſometimes alſo work to make a Forfeiture, as is before obſerved.

Eſtate in poſſeſſion put to a Right.

No Fine ſhall bar any Eſtate in Poſſeſſion, Remainder or Reverſion, which is not deveſted and put to a Right at the time of the Fine levied; and therefore if one levy a Fine of my Lands, whilſt I am in poſſeſſion, this will not hurt me, 5 *Co.* 124. 9. 106.

And

And yet, if Tenant in Tail be diſſeiſed, or make a Feoffment in Fee, and after levy a Fine with Proclamations to the Diſſeiſor or to a ſtranger, by this the Iſſues in Tail are barred for ever, 3 *Co.* 90. Fine to Diſſeiſor by Diſſeiſee.

If I have Fee Simple and be diſſeiſed, and the Diſſeiſor doth levy a Fine with Proclamations, and I do not claim within five years, by this I and my Heirs are barred for ever of the Land, 6 *Co.* 105. 3. 85. *Co. Lit.* 198. But the Heirs of ſuch as have Impediments ſhall not be barred by Fine levied by Diſſeiſor, *Fenk. Cent. Caſe* 97. See 21 *Jac. cap.* 16. See *Plowd.* 366. See *Poph.* 65. Fines by Diſſeiſor to a Stranger. Heirs of ſuch as have Impediments.

If an Infant Diſſeiſor make a Feoffment, and the Feoffee levy a Fine with Proclamations, and five years paſs; in this Caſe the Diſſeiſee is barred for ever. But the Infant ſhall have five years after his full Age to avoid the Fine; and if he enter, yet the Bar againſt the Diſſeiſee doth continue, *Moor Rep.* 251, 399. Infant Diſſeiſor.

If Tenant for Life make a Feoffment in Fee, and the Feoffee levieth a Fine with Proclamations, and he in Reverſion or Remainder do not make his Claim, &c. within five years at leaſt after the Death of Tenant for Life, hereby he is barred for ever, *Plowd.* in *Stowel*'s Caſe. Feoffment by Tenant for Life, Feoffee levieth a Fine.

If a Diſſeiſee levy a Fine to a Stranger, the Diſſeiſor ſhall hold the Land in this Caſe for ever. For the Diſeiſee may not claim the Land againſt his own Fine, and the Conuſee may not enter; for the Right doth not paſs, but by the Fine the Right is extinct, whereof the Diſſeiſor may take advantage, 2 *Co.* 55, 79. But ſee the Fine by Diſſeiſee to a Stranger.

con-

contrary, *March. Rep.* 105. pl. 180. That it ſh
enure meerly by way of Eſtoppel, and there
not bind a Stranger.

Diſſeiſor of a Diſſeiſor. If a Diſſeiſor be diſſeiſed, and a ſecond D
ſeiſor levy a Fine; in this Caſe, if the
Diſſeiſor enter within the year, this by the Co
mon Law had preſerved the Right of the D
ſeiſee; ſo that in this Caſe, the Right of
that might have claimed and did not, was p
ſerved, 2 *Co. Inſt.* 518.

Diſſeiſin is an unlawful diſpoſſeſſing of a
of his Land, Tenement or other Immove
or Incorporeal Right.

Diſſeiſin is by force, or without force.

Where it is lawful and where not, See *Br*
li. 4. *c.* 4. *Britton c.* 42, 43, 44.

How many ways it is committed, See *F*
li. 4. *c.* 1.

In ſome Caſes an Eſtate Tail may now
barred, that was not formerly barred; an
ſome Caſes it may not be barred, that form
might have been barred, *Co. Lit.* 372.

If the Tenant in Tail levy a Fine of the L
entailed with Proclamations according to
Statutes, although this is no Bar to him in
verſion or Remainder claiming in time; ye
is a Bar to the Eſtate Tail, and to all others
have Right (that are not holpen by the Imp
ments named in the Statute) not claiming w
in five years, *Co. Lit.* 372.

Rule. 1. And it is a Rule, That whereſoever the I
in Tail doth claim by the ſame Title, and m
make his Conveyance to the Lands by him th
levied the Fine, there the Fine will bar h
9 *Co.* 138. *Dyer* 3. 354.

That although the Fine be a double Fine with Grant and Render; yet if the Grant and render be of the Land it ſelf, and not of any thing aprender out of it, it is a Bar, *Co. Lit.* 333. 2.

That although the Tenant in Tail dye before the Proclamations finiſhed, yet this being done, albeit it be after his death, the Iſſues are thereby concluded, 3 *Co.* 86. 3.

That albeit the Iſſue in Tail be within Age, out of the Realm, under Coverture, *Non compos Mentis*, or in Priſon at the time of the Fine levied, and the Proclamations paſſed, yet he is barred, 3 *Co.* 84. 4.

That the Statutes, as to this, do extend to Fines levied by the Tenant in Tail by Conclusion; and the Iſſue will be bound by the Fine of the Anceſtor, unto whom he is privy in Eſtate and Blood, albeit *Partes Finis nihil habuerunt*, &c. *Fenk. Cent. Caſe* 96. 5.

That albeit the Eſtate paſſed by the Fine, be afterwards (before all the Proclamations had) avoided, yet the Iſſue in Tail is barred by it, *Co.* 91. 6.

This is a Bar to the Eſtate-Tail and to the Iſſues only, but is no Bar to him in Remainder or Reverſion; and therefore when the Eſtate-Tail is ſpent, this Bar is at en end, 1 *Co.* 6. *Co. Lit.* 372. 7.

That this will be a Bar to the Iſſues in Tail of more than one Eſtate in Tail, if his Anceſtor had more than one Eſtate Tail in him, *Co. Lit.* 372. as if it be Tenant in Tail, the Remainder to him in Tail: *Et ſic de ſimilibus.* 8.

As to the 1. See more for these: *Leon. Rep.* 208, 2 *Moor* 747. 3 *Co.* 90, 98. *Moor* 399, 146, 1 *Dyer* 332. *Moor* 252, 253. 1 *Cro.* 111. *M* 628. *Leon.* 297. 1 *Co.* 96. 1 *Cro.* 314. 2 *C* 40. *Jenk. Cent.* 6. *c.* 46. *Plowd.* 435, 4 *Dyer* 213. *Plowd.* 345. 1 *Co.* 76.

2. *Plowd.* 435. 2 *Co.* 76. *Co. Lit.* 353. *D* 279. *Co. Inst.* 2*d.* 517. *Dyer* 117. 2 *Cro.* 6 3 *Bulstr.* 46, 47.

3. 3 *Co.* 86. 50. *Jenk. Cent.* 4. *Case* 97. *Bro. Case* 144. 2 *Bulst.* 164. *Bendl.* 30.

4. 3 *Co.* 84. 91. 2 *Cro.* 699.

5. 3 *Co.* 90. *Dyer* 279. *Plowd.* 435. *Dyer Plowd.* 434. 10 *Co.* 50. 3. 50. 9. 141, *Goldsb.* 107. 3 *Co.* 84. *Jenk. Cent.* 6. *c.* *Cent.* 8. *c.* 28. 3 *Co.* 91. *Plowd.* 127.

6. 3 *Co.* 91. *Plowd.* 434, 435.

7. 1 *Co.* 76. *Co. Lit.* 372. 10 *Co.* 96.

8. *Co. Lit.* 372. 3 *Bulstr.* 43. 2 *Bulstr.* 3 *Co.* 51.

If a Fine be levied in the Ancestors Life by the Heir to the Tail in possibility, after Ancestor Tenant in Tail's death, and he without Issue in the Life time of the Ance this will not bar the Heir to the Tail, for

Never seised by force of the Entail.

was never seised by force of the Entail; Bu he survive the Ancestor that the Tail desc upon him, it is otherwise, 1 *Co.* 314.

Rule.

For the Fine that shall bar (in this Case) Issue, must be levied by him that had the Es Tail once, or to whose Ancestor the Land entailed, and by whom the Conveyance descent ought to be made, 1 *Co.* 65. A whe

ere he needs not mention (in his Convey-
e by deſcent) the Anceſtor that levied the
; there the Fine ſhall not bar, 1 *Co.* 314.
Tenant in Tail be diſſeiſed, and Diſſeiſor
a Fine with Proclamations, and the Tenant
ail ſuffer five years to paſs without Claim,
this Fine he and his Iſſues are barred for ever,
Co. 105.

But it is a Rule; That Tenant in Tail may alien or charge the Land entailed without or Recovery, *Wing. Max.* 413. Rule.

But if Lands be conveyed to a Woman in for her Jointure within the Stat. 11 *H.* 7. and ſhe levy a Fine of them, this will not the Iſſue in Tail, 1 *Co. Inſt.* 356, 365. *Wing. Max.* 19, 20. Fine levied of a Joynture.

If the King himſelf be Tenant in Tail of the of ſome of his Anceſtors as Subjects, he may levy a Fine of this, and bar his Iſſues; and on a Grant and Render, he may bar the ate-Tail, 1 *Co.* 7. 6. 7 *Co.* 32. 3 *Leon.* 76, *Co. Lit.* 372. King Tenant in Tail.

And if Tenant in Tail of the Gift of the levy a Fine or ſuffer a Common Recovery, this is no Diſcontinuance, where the Re-ſion be in the King, yet it ſeems to be a Bar the Iſſue, 3 *Leon.* 76, 77. But yet it is ſaid be no Bar to the King, nor to the Iſſues in il, but all others it will bar; for theſe Fines not intended within, but excepted out of *H.* 8. *ca.* 6. *Dyer* 279. *Lit. Bro.* Caſe Tenant in Tail of the Gift of the King.

Nor will Fines bar in Caſes of Land reſtrained m Alienation by Act of Parliament. Land reſtrained.

And

And it is a Rule, That in case where a R
covery will not bar the Issue in Tail, there a F
shall not bar them, 1 *Brownl.* 138.

Remainder to the King.

If there be Tenant in Tail the Remainder
the King, and the Tenant in Tail levy a F
with Proclamations; in this Case the Issue
barred notwithstanding the Statute 34 *H.*8.
is conceived, *Moor* 115. *Case* 258.

Reversion in the Crown.

If there be Tenant in Tail of the Cro
the Reversion in the Crown, and the Te
in Tail is disseised, the Disseisor doth lev
Fine with Proclamations, and five years
by this the Tenant in Tail himself is ba
but not the Issue, by 32 *H.*8. & 34 *H.*8.
467. *Case* 665. See *Cro.* last pub. 595.

No Bar but where Tenant in Tail is Cognisor.

No Fine levied by Tenant in Tail will ba
Issue, but where the Tenant in Tail is Co
zor, *Dyer* 279. *Bro. Fines* 118.

The Issue in Tail is perpetually barr'd by
Fine of the Tenant in Tail with Proclamat
notwithstanding that the Discontinuee is dis
by the Father, the Issue make Claim within
time of the Proclamations. And no Re
shall be after a Fine with Proclamations,
114. *Case* 256.

Remitter.

Issue in Tail barr'd though Tenant in Tail be no Cognisor.

A Fine may be a Bar to an Issue in Tail,
beit he be not Tenant in Tail at the time, if he
but a person to whom the Land is enta
3 *Cro.* 610.

Forfeiture and no Bar.

If Tenant for Life, the Remainder in F
accept a Fine *come ceo*, &c. This, albeit it
a Forfeiture, yet is no Bar to the Remain
9 *Co.* 104.

Wh

Where a Fine ſhall be a Bar as to one Perſon and not to another, and as to one part of the Land and not to another. See *9 Co.* 140, 142, 10 *Co.* 95. *Moor Caſ.* 90, 256, 258. *Leon.* 116. *Moor Rep.* 665.

Ancient Demeſne and other Lands together.

If one levy a Fine of Lands in Ancient Demeſn and of other Lands together; this Fine, as to the Ancient Demeſn Lands, is no Bar; as to the other, it may, 7 *H.* 4. 44. *F.N.B.* 1 *Cro.* laſt pub. 469.

Fine defective no Bar.

But in Caſes where a Fine is defective for the Inability of the Perſon of the Conuſor, or of his Eſtate, or becauſe it is not duly levied for the Manner and Order: In ſuch Caſes the Fine will be no Bar at all; nor will there be need of any Entry or Claim to avoid it.

See more for the Bar of a Fine, 1 *Leon.* 396. 1 *Cro.* 689. *Bendl.* 74, 75, 174, 178, 179. *Leon.* 110. *Jenk. Cent.* 4. *c.* 97. *Latch* 64. *Moor Caſe* 679.

Repugnancy.

If there be a Repugnancy in a Fine, the firſt part ſhall ſtand, and the laſt ſhall be left out, *Jenk. Cent.* 2. *Caſe* 96. *Cent.* 6. *Caſe* 50.

Claim what.

The Claim that is now to be made to avoid the Bar of a Fine, muſt be by Action or Entry, See 3 *Cro.* 561. See after.

Of the Uſe of a Fine.

The Uſes of a Fine.

IF there be a precedent Agreement for the levying of a Fine to Uſes, and after a Fine is accordingly had, it ſhall be to thoſe Uſes and none other; and this Agreement ſhall guide the Uſes.

Uſes by Word or Parol.

Uſes may be declared or averred on a F but not a Bargain and Sale of Land. And Uſe of a Fine may be declared by Word wi out any Deed; and if there be ſuch a Decl tion by Parol made to lead the Uſe of a F and it be defective to declare the Intent of Parties; it may afterwards be ſupplied made good by ſubſequent Parols, *Stiles* 148. *Quære.* And upon a Covenant of U no other Uſe may be declared or averred, what is contained in the Deed, 1 *Co.* *Dyer* 169.

Subſequent Parols.

Uſe doth follow the Ownerſhip.

That upon a Fine every one may declare diſpoſe the uſe of the Land according to Eſtate that he hath in it: For the Uſe follow the Ownerſhip of the Land, as the S dow doth follow the Body, 2 *Co.* 57.

Uſes declared by Husband and Wife.

Concerning the Declaration of Uſes by H band and Wife, See 2 *Co.* 57. *Dyer* 290. *Rep.* 196. *c.* 347. 2 *Co.* 56.

Uſe declared by Infant.

If an Infant or Man *de non ſane mem* ſhall declare the Uſe of a Fine levied by h this Declaration is good ſo long as the Fine continue in force, 2 *Co.* 57. *Huges Abridg.* 802. *ca.* 4.

Declaration by Deed indented.

The Declaration of the Uſes of a Fine be either by Deed indented (which is the uſual and ſafe way) or by Deed Poll, 2 73. 5.

Declaration when to be made.

This Declaration by Word or Writing be made before, at, or after the time of levying of a Fine: For an Indenture ſub quent may direct and declare the Uſes Fine precedent; but what diverſities is

ſerved therein: See 2 *Co.* 69. 6. 27, 63. 7. 40. 9. 8.

That no Averment of Uſes by proof of Witneſſes ſhall be admitted againſt an Uſe expreſſed in a Fine: But in Caſe where no Uſe is expreſſed in a Fine, there other Uſes than what the Law will make upon the Fine may be averred, and proved to be agreed upon, and the Fine ſhall be to the Uſes, 5 *Co.* 26. 9. 8. 2. 57. See after. Averment of Uſes.

That where the Uſes of a Fine are agreed, there it muſt go to the Uſes agreed upon; but where no Uſes are agreed upon, but only that it is agreed, a Fine ſhall be levied and not ſaid to what Uſe, or a Fine is levied, there the Law appoints the Uſe according to Conſcience, 2 *Co.* 37, 38. *Dyer* 18. *Co. Lit.* 271. *Moor* 472, 473; 842, 843. Uſes agreed and not agreed.

That more Acres of Land do not paſs by a Fine than the Fine doth name, albeit the Indenture to lead the uſe of it do ſpeak of more Acres. For the Fine is the Foundation of the Eſtate, and the Eſtate riſeth out of it, *Jenk. Cent.* 6. *Caſe* 45. No more Acres paſſeth than intended.

If the Conuſee of a Fine levied of Land do pay Mony to the Conuſor of the Fine at the time of the Fine levied, and there be no Uſe declared, nor is it ſet forth to what Uſe it ſhall be: In this Caſe the Law will conſtrue the Fine to be levied of theſe Lands to the Uſe of the Conuſee to whom the Fine is levied. Mony paid, Uſe to the Conuſee.

But if there be no Mony paid by the Cogniſee, nor any Uſe declared, it ſhall be to the Uſe of the Cogniſor that levied the Fine: For No mony paid Uſe to the Cogniſor,

nothing appears whereby it can be ſuppoſed tha the Parties had any Intention the Eſtate in t Lands ſhould be altered by the Fine; but th the Fine was levied in corroboration of the T tle of the Cogniſor, *Bendl.* 134, 135. *Stil Pract. Reg.* 147.

Uſe levied in the Fine it ſelf.

That the Uſes of a Fine may be levied with in the Fine it ſelf without any Indenture, *Ha* 112.

Uſe averred without Deed.

That an Uſe may be averred without a De upon a Fine *ſur Render*; for the Deed is t to ſhew the Intent of the Parties, which m appear as well without as by Deed, *Poph.* 10

General Covenant.

That a general Covenant ſhall direct t ſpecial Uſes of a Fine, and the ſpecial ope tion thereof, according to the Intent of t Parties, 1 *Bulſt.* 256.

Render to no other uſe, &c.

The Render of a Fine may not be alled to any other Uſe than what is expreſſed upon t Fine without a Writing to ſhew for it, *P* 104, 105. 3 *Bulſt.* 318, 319.

Several Aſſurances one Conveyance.

A Bargain and Sale, Fine and Recovery m at ſeveral times to one purpoſe, ſhall be eſteem but as one Conveyance, *Bendl. Rep.* 101.

Where a Fine may be avoide and how.

A Fine may be avoided for good cauſe i many Caſes: as,

1. By the Death of all or ſome of the Pa ties before it be finiſhed.

2. B

2. By ſome Error eſcaped in the ſuing of it out, and proſecution of it.

3. By ſome Fraud, Deceit or Covin that hath been uſed in it.

And ſo it is ſometimes avoidable by a Writ of Deceit; ſometimes by a Writ of Error; and ſometimes by Pleading only.

Fine avoided by death.

If either of the Parties Cognizors die after the Cognizance or Concord, and before the King's Silver be entred, this will avoid the Fine and it cannot be made good: But if the King's Silver be entred in Paper or upon the back of the Writ of Covenant (as the Uſe is) and the Party dye after this; the Fine by this ſhall not be avoided but may be finiſhed: See 1 *Cro. laſt* fol. 469. *Dyer* 320, 220, 246. 5 *Co.* 39. *Co. Lit.* 9. *Co. Inſt.* 3, 511. *Bro. Fines* 124. See more, *Dyer* 89. *Hob.* 330, 403, 404.

King's Silver paid and entred.

Writ of Covenant and *Dedimus Poteſtatem* antedated.

Where the Cognizor dies after the Cognizance made, the Writ of Covenant and *Dedimus Poteſtatem* being antedated, and the King's Silver paid, the Fine will be a good Fine, *Jenk. Cent.* 4. *c.* 28. 7. *c.* 3.

Demiſe of the King.

It is held alſo, that if a Judge take the Cognizance of a Fine, and before it be certified, the King demiſe, and the Judge have notice of this; that now the Fine cannot be certified, for his Patent is at an end: And there ſeems to be the ſame reaſon for Commiſſioners to take a Cognizance by *Dedimus Poteſtatem*, *Jenk. Cent.* 4. *c.* 28.

Fine *in pectore Judicis.*

Note that where any Fine is levied, it ſhall be ſaid to be all that Term wherein it is levied

in pectore Judicis to amend it for Error, as the Judges ſee cauſe, *Latch. Rep.* 180.

Fine avoided by Error.

Notorious Error.

NO Error, but ſuch as is notorious, ſhall avoid a Fine; for in this the Rule is, *Ceſſat ſenſus tollit Errorem.* An Infant may avoid a Fine by a Writ of Error during his Minority, but not afterwards, 2 *Co.* 230. *Dyer* 201.

Original wanting.

If there want an Original, or if there be a Writ, and that doth bear *Teſte* after the *Dedimus poteſtatem*, or the *Dedimus poteſtatem* is to two, and one alone taketh it; this, its ſaid, is Error, for which the Fine may be reverſed; but for the *Teſte* of the Writ of Covenant after the *Dedimus poteſtatem*, this is amendable. *Latch Rep.* 186.

No Error contrary to the Record.

But no Error may be alledged to reverſe a Fine, where the Error is contrary to the Record or Certificate of the Juſtices; as to ſay, The Commiſſioner was not a Knight when the *Dedimus poteſtatem* ſaith he was, *Jenk. Cent.* 6. *c.* 53. *Dyer* 89. 2 *Cro.* 11. *Yelv.* 33. *Hugh.* 940. *Caſe* 9. 646. 16. 17. 18.

Error barred, and how.

One may bar himſelf of this Writ of Error by a Feoffment of the Land, or a Releaſe of his Right to the Land, or by a Recovery, or by a Fine and five years paſt, 1 *Cro. laſt pub.* 6. 2 *Co.* 77. 1. 77. 2 *Co. Inſt.* 518. 2 *Cro.* 33. 2 *Leon.* 263.

And by making of a Leaſe for years, he may ſuſpend it, *Owen. Rep.* 21. *Stiles Rep.* 246, 25. 1 *Cro. laſt pub.* 469. *Goldsb.* 181.

If the Lands lie in divers Counties, and there not ſeveral Writs of Covenant for every County, this will be Error, *Dyer* 227. 15 *Ed.* 13. Lands in divers Counties.

Note, For Repugnancy ſee 5 *Co. Teys* Caſe. Repugnancy.

Where Error is in the Proceed of the Proclamations only; There they only ſhall be reſed, and the reſt of the Fine ſhall ſtand good at Common Law, *Hughes* 938. *c.* 2,3,4. Error in proceed of Proclamations.

That Variance in the Perſons in the Render, or of the Eſtates of Lands, except it be very groſs, will not make it void, *Hughes* 939. *c.* 9. *c.* 10. Variance.

Where a Fine is good or not, ſee *Hughes Judgment of Fines par.* 1, 2, 3. See *Weſt. Symb. part* 2. Good Fine.

Who is to bring the Writ of Error, ſee *Leon.* 17, 115. 2 *Cro.* 11. 90, 392: *Dyer* 201, 89, 321. 2 *Leon.* 139. *Owen* 21.

Error in a Fine may not be alledged contrary to the Record it ſelf, *Yelv.* 34. See before.

Fraud, Deceit and Covin.

A Fine avoided by reaſon of Fraud, Deceit or Covin.

If a Fine be gotten or obtained by any notorious Fraud or Practice; it may in ſome Caſes be avoided by a *Vacat*; See 1 *Cro. laſt pub.* 518, 531, 471. *Moor c.* 21. *Plowd.* 370. Notorious Fraud.

If a Leſſee for Life or Years, or a Copyholder levy a Fine of Covin of purpoſe to bar him in Reverſion, or the Lord of his Inheri- By Leſſee or Copyholder.

tance; this may be avoided for Fraud, 9 C. 105. 3 Co. 78.

And as a fraudulent Deed or Conveyance may be avoided for Fraud; ſo a Fine may be avoided.

Uſurious Contract. So alſo it ſeems the Law is of a Fine ſuffered in purſuit of an uſurious Contract, 3 Co. 18, 80. 16 H. 7. 5. *Jenk. Cent.* 6. c. 45. *Stat.* 13 El. & 27 *Eliz.* 3 Co. 45. *Stiles* 288.

To deceive a Purchaſor. A Fine levied to deceive a Purchaſer or Creditor may be void or be voidable: See 3 Co. 79.

Pretence of Title. But if one ſhall pretend Title to Land, and enter and diſſeiſe the Tenant, and after levy a Fine with intent to bar the Diſſeiſee; this is good. And if the Diſſeiſee ſhall not enter or claim within the five years, he is barred, 3 Co.

How to be avoided by Claim. If there be Tenant for Life, the Remainder for Life, the Remainder in Fee; and the first Tenant for Life alien, and the Alienee levy a Fine with Proclamations, and the ſecond Tenant for Life claim, &c. This doth make void the Fine, not only againſt him, but againſt him in Remainder alſo.

Rule. And it is a Rule, That any one that hath an Eſtate in Poſſeſſion or Reverſion, which will be barred by the Fine when 'tis levied, may make a Claim or Entry to prevent the Bar of the Fine.

Claim, &c. by Authority. And by Authority alſo any other Man may make a Claim, Entry, &c. In this Caſe for him that hath Right; See *Moor* 457.

All Rights ſet at large. The avoiding of a Fine by one defeats it againſt all, although their Right were bound before

fore by their Non-claim, which ſets at large all other Rights above them, 16 *Ed.* 2. *Plow.* 358. *Stowel's* Caſe.

Fine levied by one of the ſame name of the others Lands may be avoided by Deceit or Pleading, 34 *H.* 6. 19. *Lit. Broo. c.* 215. Deceit by one of the ſame name.

Pleas to a Fine.

THe Plea of *per Dureſs* or Impriſonment will not, its ſaid, be admitted, 17 *E.* 3. 52. 17 *Aſſ.* 17. *Per Dureſs.*

The Plea, *Partes Finis nihil habuerunt tempore levationis Finis*, is given only to Eſtrangers to the Fine; but from Parties and Privies it is taken away. Where this Plea is good or not, ſee *Hughes* 940. and *Moor* 251. The Iſſue in Tail may not have this Plea, unleſs to avoid a Fine *ſur* Releaſe only, 3 *Co.* 1411. *Dyer* 334. *Partes Finis nihil habuerunt.*

Iſſue in Tail may aver Continuance of Poſſeſſion againſt a Fine *ſur Cognizance de droit tantum* or Surrender: See 12 *Ed.* 4. 12, 13. 11 *H.* 4. 8, 5. But not againſt *Sur Cognizance de droit come ceo que il ad de ſon done.* Continuance of Poſſeſſion.

For Pleas to avoid a Fine, ſee *Owens* Rep. 21. & *Stat.* 27 *Ed.* 1. *c.* 1.

How a Fine is to be pleaded, ſee *Leon.* 386, 986. *Weſt. Symb.* 2*d part.* 3 *Cro.* 903, 917.

If a Fine or Recovery be levied or ſuffered of Covin by a Leſſee for Years or Leſſee for Life, or a Copyholder of purpoſe, and with intent to bar him in Reverſion, or a Lord of his Inheritance; this is of no force, and therefore

Non-Claim within five years ſhall not hurt in this Caſe, 3 Co. 78. 8. 105.

Note, That it is Felony without Benefit of Clergy, without Corruption of Blood or Loſs of Dower to acknowledg or procure to be acknowledged any Fine, Recovery, &c. in the name of any Perſon not privy or conſenting thereunto: But this not to extend to a Judgment acknowledged by Attorney of Record for another, by 21 *Jac. c.* 6.

As to the Execution of a Fine.

Habere facias ſeiſinam.

Note, That a Fine is either executed by Writ of *Habere facias ſeiſinam*, which is a Writ to the Sheriff to put the Cognizee or his Heirs in Poſſeſſion; and this muſt be ſued forth within a year after the Fine ſued forth, or after Judgment upon a *Scire Facias*. Or elſe he muſt have a Writ of *Scire Facias*, which is to be ſued forth after a year and day after the Fine is levied, and thereby the Sheriff is to warn the Tenant to appear and ſhew cauſe, if he can, why the Cogniſee or his Heirs ſhould not have Execution: At the Return wherof, if the Tenant appear and can ſhew no cauſe to the contrary, the Plaintiff ſhall have an *Habere Facias Seiſinam* to the Sheriff to put him or his Heirs in Poſſeſſion. Or the Cogniſee where the Fine is *Sur Cogniſance de droit come ceo que il ad de ſon done*, may obtain the actual Poſſeſſion of the Land contained in the

Scire facias.

Habere facias ſeiſinam.

Fine

e by an Entry: For in this Case of a Fine ecuted, if the Cognizor be still in Possession of Land whereof the Fine is levied, the Cog- may without any Writ of *Habere facias nam* enter upon him, and so get the Seisin Possession of the Land. And note, that Fine be levied to Husband and Wife in Spe- Tail, the Remainder to the Heirs of the of the Husband, and the Wife dieth with- Issue, the Remainder is executed in Posses- in the Husband; for the Estate Tail meet- with the Fee Simple, and it is drowned, 1 *Ed.* 3. 14. 14 *Ed.* 3. 5. 7 *H.* 4. 23. *West. ymb. part* 2.

Entry.

Fine executed.

Remainder executed.

Attornment, &c.

AND note, That a Fine of a Reversion ought not to be ingrossed until the Tenant Term of Life attorn; for until Attornment is dispunishable of Waste; neither can the Cognisee avow upon him for the Rent behind fore Attornment, 22 *H.* 6. *f.* 13. *Plowd.* 31.

Attornment where necessary.

And the Cognisee may compel such Tenant Life to attorn by *Quid juris clamat*. A dicial Writ issuing out of the Record of the me which lieth in the *Custos Brevium*'s hand, d lieth for the Grantee of a Reversion or Re- inder to force the particular Tenant to at- rn.

How to be enforced. *Quid juris clamat.*

Or a *Quem Reditum reddit*, a Judicial Writ uing out of the Note of a Fine against the Tenant

Quem Reditum reddit.

Tenant of the Land to compel him to att upon the Grant of Rent ſect or Rent ch out of the Land.

Per que Servi-cia. Or a *Per que Servitia*, a Judicial Wri ſuing from the Note of a Fine, and lieth for Cogniſor of a Mannor, Seigniory, Chief R or other Services to compel him that is Te of the Land at the time of the Note of the F levied to atturn unto him. And this muſt ways be ſued forth upon the Note of the made by the Chirographer, and before it be groſſed by him; for after the ingroſſing it not be had, *F.N.B. f.* 47. *a. b.*

Theſe laſt things are largely and learn treated of by Mr. *Weſt* in his ſecond par *Symb.* to which, for your further Informa I refer you.

THE

THE INTRODUCTION To, and Definition of, RECOVERIES.

Recoveries are either feigned or True; As Common Recoveries, That is actual by Judgment

Recovery defined.

A true Recovery is an actual or real Recovery of any thing, or the value thereof by Judgment; as if a Man buy Land of another with Warranty, and this Land is afterwards recovered by a third Person; The Buyer hath remedy against the Seller to recover it in value; That is, to recover so much Mony as the Land is worth. *Fitz. N. B. fol.* 134.

True Recovery.

But the Common Recovery (which is here supposed to be treated of) is *Fictio Juris*, a feigned formal Thing, by consent, and is used, where a Man is desirous to cut off an Estate Tail, &c. in Lands or Tenements, to the end, to sell, give or bequeath it as he thinketh meet, for the Assurance of them that shall after have the Land.

Common Recovery.

These

Common Recoveries when first invented.

These Common Recoveries, as also Fines are said to be first invented when Entails fell out to be inconvenient: For the opening whereof you may observe, That before the Statute *de Donis Conditionalibus*, *Westm.* 2. *cap.* 1. Feoffees after they had Issue, had power to alien and disinherit the Issue contrary to the mind of the Donors. And by the 13 E. 1. 1. Statute in *Edward* the First's time, the Inheritance was made so strong, as that the Tenant in Tail could not put away the Land from the Heir by any Act of Conveyance or Attainder, nor let it, or any way charge or incumber it longer than for his own life.

From the Inconveniency of Entails.

But from this Statute there arose many Inconveniencies, for by this means the Lands were made so sure to the Heir, as that the Father could not put it from him, and hereupon the Son oftentimes proved disobedient, negligent, wastful, *&c.* knowing he could not be disinherited; and many times the Owners themselves of such entailed Lands were less fearful to commit Felonies, Murders, Manslaughters and Treasons, for that they knew that none of these Acts could hurt the Inheritance of their Heir.

Again, such as had entailed Lands could make little or no Profit of them; for none would give a Fine of any value upon such an uncertain Estate, as that of the Owners Life only, neither would they much improve the Lands for the same Reason, with many other Inconveniences.

For

For the Remedy whereof ſeveral later Sta- Remedy a-
tes were made, as 4 *H.* 7. 24. 32 *H.* 8. 36. gainſt Entails
whereby a Tenant in Tail may diſinherit his by ſeveral Sta-
by Fine and Proclamation. 26 *H.* 8. 13. tutes.
nant in Tail doth forfeit his Land for Trea-
; and 32 *H.* 8. he may make Leaſes for
years, or 3 lives, &c. by 33 *H.* 8. Entail-
Lands are liable by Extent for the Kings
bt; and by 13 *Eliz.* 4. They are ſaleable
his Arrearages upon his Account for his
ffice.

Alſo for the Remedy of thoſe Inconveni- Remedy by
ncies of entailed Lands, theſe Common Reco- Common Re-
veries were firſt invented, and Men began to coveries.
7 H. 8. 4.
off Entails by ſuch means as they could 21 H. 8. 15.
Law for it; and now by uſe theſe Reco- Common Re-
veries are become Common Aſſurances againſt coveries be-
Entails, and againſt Remainders and Rever- come the
ſions, and are the greateſt Aſſurances that Pur- greateſt Aſſu-
chaſers have for their Mony, (being grounded rances.
on the ſtrict Principles of the Law, though
by conſent,) for a Fine will bar the Heirs in
Tail, but not the Remainders or Reverſions,
but theſe Recoveries bar them all. 1 *Coke*
72, 62.

Mr. *Weſt* in his *Symb. part* 2. *ſect.* 1. ſaith, The end and
That the end and effect of a Common Re- effect of Com-
covery, is to diſcontinue, and deſtroy Eſtates, mon Recove-
Remainders and Reverſions, and to bar the ries.
former Owners thereof.

They are therefore moſtly uſed for Aſſurances The form of a
of Land, in the form whereof the Parties do Common Re-
agree, that one who is call'd the Demandant covery with
ſhall bring an Action Real (as if he had good ſingle Voucher
Right)

Right) against the Tenant of the Freehold the Lands as though he had no Right of E try to the same, but after a Disseisin wh

*The common Name for the supposed Disseisor.

* *Hugh Hunt* had injustly made to the Dem dant, &c. and hereupon the Tenant calls warrant to him the Lands, * *Edmund Cl*

*The common Name of the common Vouchee.

(or the common Vouchee) which Voucher supposed to appear in Court, and warrant Lands to the Tenant (or Defendant) wh upon the Plaintiff or Demandant claims Lands against the Common Vouchee, who supposed to appear and defend his Right,

Plea.

pleads, That *Hugh Hunt* did not disseise Plaintiff or Demandant, as by his Declara he supposes, and puts himself upon the Co try to try it; whereupon the Demandant p

Imparlance.

a day to imparle, or speak to the Plea, and day being given, the Demandant is supp to come again into Court in proper P and the Common Vouchee then is supp

Default.

to make default and withdraw in contem

Judgment.

the Court, and thereupon Judgment is g that the Demandant shall recover the L against the Tenant, and the Tenant shall r ver in value against the Common Vouchee, And so by this Device grounded upon the Principles of the Law, the Tenant loseth Land, and hath nothing for it; but it is his own Agreement, and for the Assurance him that buys the Land, &c.

* *Note*, he is called a Vouchee in respect that he is called by the Tenant; and he is called Voucher in respect that he calleth over a second Vouchee, &c.

And so it is if it be with double or t Vouchers; as in double, the Tenant calleth warranty the first * Vouchee, who warran and calleth the second or Common Vou

pleads to the Country, and after Imparl- and return of the Demandant, makes de- , and then Judgment for the Demandant ſt the Tenant, for the Tenant to recover lue of the firſt Vouchee, and the firſt to er in value of the ſecond or Common chee, and it is in the like manner with e Voucher, *&c.* as you may obſerve in Pleadings hereafter ſet down.

t theſe Pleadings are grounded upon a t called *a Writ of Entry in le poſt*, in ch, and beſides which, there are many s of nicety and exactneſs, before we to the Pleadings on the Roll, which ob- as followeth.

Obſervation in Common Recoveries.

every Recovery four things are principally be obſerved,

The Demandant who is Plaintiff in the of Entry, and properly called the Reco-

The Tenant of the Land who is Defen- to the Writ of Entry, againſt whom the is to be recovered, and therefore properly d the Recoveree.

3. The Vouchee being the Perſon whom Tenant calls to warrant to him the Lands anded, (as you may obſerve in the Intro- ction.)

The Land it ſelf which is to be reco- d, and which muſt be carefully and regu-

larly.

larly placed, as you may observe by the rections following.

How the Writ of Entry must be brought.

Note, If a Recovery be intended with s Voucher, the Precipe must be brought ag the Tenant in Tail in possession, and h vouch the Common Vouchee. But if you covery be intended with a double Voucher, must either by Fine, Feoffment, Bargain Sale inrolled, * or Lease and Release, m him (you intend to be) Tenant at the tim the Writ of Entry brought; for every W of Entry must always be brought against that must be a perfect Tenant of the Fre of the Land demanded at the return of Writ, 18 *R.* 2. and *Dyer fol.* 252. *pl.* 9 cause the Estate of the Tenant in Tail (is the first Vouchee) is barr'd in resp the supposed recompence adjudged over a the Common Vouchee; for in strict La Recompence adjudged over is to go in S sion of the Estate, as the Land lost s have done, and then it were not reaso allow the Heir liberty to keep the Land, also to have a Recompence in value, the he loseth the Land, and is to trust to the compence, *Dy.* 252. 3 *Co.* 6. 1 *Co.* 42. B a feigned Recovery the Recompence is imaginary, and no such thing really in case.

* See a Lease and Release at the end of this Book.

If it be by Fine, you make him Cognizee to the Fine, who is to be Tenant in the Recovery, and he must vouch the Tenant in Tail; and in such case the Writ of Covenant for the Fine must bear Teste, and be returnable before the Writ of Entry.

Surrender to him in Reversion.

Note also, That if a Tenant have b Estate for Life, or be Tenant in Dower, the Courtesie of *England*, it is requisite fo strengthening of a Recovery, and savin

ſtate, that he make a conditional Surren-
of his Eſtate to him in the Rever-
or Remainder, to the end he may be
reſent Tenant of the Inheritance, and then
bring the Writ of Entry againſt him; and
that the Recovery is executed, the parti-
ar Tenant for breach of the Condition
enter and enjoy his Term notwithſtanding
Surrender. See the form of the Surrender
the end of this Book.

The uſe of Vouchers.

The effect of a Recovery, as is ſaid before
the Preamble, is to bar Entails, and all
emainders and Reverſions that ſhould take
lace after Entails; and they are moſt uſually
ffered either with a ſingle Voucher, double
oucher or treble Voucher, and ſometimes
ith a quadruple Voucher, as you may obſerve
ongſt the Preſidents following.

The intent of a Recovery with a ſingle Voucher.

The intent of a Common Recovery with a
gle Voucher, is to bar the Tenant and his
s of ſuch only Eſtate Tail which then is in
, to deſtroy the Eſtates which others have of
Reverſion expectant, or Remainder depen-
upon the ſame, and of all Leaſes and In-
brances derived out of ſuch Reverſions or
mainders.

But note, where the King is the Giver of
Eſtate Tail, and keepeth the Reverſion in
imſelf, it is ſaid ſuch Recovery againſt the
Tenant in Tail will not bar the Iſſue in Tail
his Entry, nor diſcontinue his Eſtate, nor
ruck ſuch Reverſion or Remainder out of his
ajeſty, 28 *H.* 8. *b.* 34 *H.* 8. *cap.* 20. *Dyer*,
l. 132.

Intent of Recovery with double Voucher.

By a Recovery with double Voucher, it is intended to bar the first Voucher and his H of every such Estate as at any time was him, or any of his Ancestors, whose Heir is of such Estate; and all other Persons such right to a Reversion or Remainder was thereupon at any time expectant or pendant, and of all Leases, Charges and cumbrances, derived out of any such Rev sion or Remainder, and will be also a per tual bar of such Estate whereof the Te was then seized in reversion or remainder, pectant or dependant upon the same.

Intent of Recovery with treble Voucher

The intent of a Recovery with a tr Voucher is to make a perpetual bar of Estates of the Tenant, and of every such Estat Inheritance as at any time had been in the or second Vouchee, or any of them, or eith their Ancestors, whose Heirs he or they ar such Estate, and as well of every Reversion th upon dependant; as also of all Leases, Es Charges and Incumbrances derived out of Reversion or Remainder.

Observanda.

From the whole observe, That a Recov with single Voucher, bars only such Estat the Tenant hath in possession at the Recov and the Dependencies thereon; As if La be given to *A.* in Tail, the Remainder to th right Heirs of *B.* (*B.* being then living) the Writ of Entry is brought against the T nant in Tail, and he doth vouch over the Co mon Vouchee; this is a good recovery and bar to the Estate Tail and Remainder also 1 *Co.* 135. 3 *Co.* 59. But if the Tenant in Tail

Tail be not in poſſeſſion or be in of another Eſtate by Diſſeiſin or Conveyance, *&c.* As if Tenant in Tail be diſſeiſed, and then ſuffer a Recovery with ſingle Voucher; or the Diſſeiſor make a new Eſtate to the Tenant in Tail, and then the Tenant in Tail doth ſuffer a Recovery with ſingle Voucher; or if the Tenant in Tail make a Feoffment in Fee of Land, and then take back a new Eſtate to himſelf from the Diſcontinuee in Tail or in Fee, and then doth ſuffer a Common Recovery with ſingle Voucher; by this the Eſtate in theſe laſt Caſes is not barred.

But by a Recovery with double Voucher in theſe Caſes the Eſtate Tail is barred, and all Intereſts, Eſtates and Titles that the Vouchee hath at the time of the Entry into the Warranty: And therefore as in Caſes where the Tenant in Tail doth levy a Fine, make a Feoffment, or bargain and ſell the Land by Deed indented and inrolled, and the Writ is brought againſt the Cognizee, Feoffee or Bargainee, and he doth vouch the Tenant in Tail, who doth vouch the Common Vouchee; this doth bar the Eſtate Tail, and the Remainders and Reverſions thereupon. So if in theſe Caſes the Conuſee, Feoffee or Bargainee doth make a new Eſtate to the Conuſor, Feoffor or Bargainor, or he diſſeiſe the Conuſee, Feoffee or Bargainee, and then levy a Fine, make a Feoffment, and bargain and ſell to another againſt whom the Writ of Entry is brought, and he vouch the Tenant in Tail, and he vouch the Common Vouchee; by this Recovery the firſt and ſecond

Eſtate Tail, and all the Remainders and Reverſions depending thereupon are barr'd, 1 Co. 135. 3 Co. 59. 12 E. 4. 19. 10 Co. 45.

Note, In that called a ſingle Recovery, you will find two Recoveries included; The firſt by the Demandant againſt the Tenant, and the ſecond by the Tenant againſt the Common Vouchee.

2. In that with a double Voucher you will find three Recoveries included, one for the Demandant againſt the Tenant. 2d. For the Tenant againſt the Voucher. The laſt for the Voucher againſt the ſecond or common Vouchee.

3. Alſo in a Recovery with treble Voucher are included four Recoveries. Firſt by the Demandant againſt the Tenant. 2d. By the Tenant againſt the firſt Voucher (otherwiſe called Vouchee.) The third by the firſt againſt the ſecond, and the fourth by the ſecond againſt the Common Vouchee.

Thus much ſhall ſuffice to ſhew the Ground and Effect of theſe Common Recoveries. Now we proceed to the Rule for placing particulars, and ſuing forth the Writs of Entry.

Precipe. You muſt firſt draw your Precipe in Paper which is for the Curſitors inſtructions whereby to make out the Writ of Entry, and in this Precipe the Lands muſt be exactly ſet down and placed in order according to the Rules following.

Note, It is called a *Præcipe quod reddat*, therefore firſt we will ſee of what Things a *Præcipe quod reddat* or Writ of Entry lyeth, and of what not.

Of

Of what things a Writ of Entry lyeth, and by what Names.

PRecipe qd̄ reddat lieth de una Acra Terre & Aqua cooperta vel de Acra Terr̄ 12 H. 7. 4. de *Gurgite 10 E. 3. & 14 E. 3. 842. F.N.B. fo. 191. Et de Paſſagio ultra Aquam F.N.B. 191. de Balliva, 34 Ed. 3. 423. de Officio, 27 H. 8. 12. de Advocatione Eccleſie, aut de quarta parte Decimarum, 34 E. 3. de Portione Decimarum, Dyer fo. 84. pl. 83. de quadem parcel̄ Terre, Dyer 84. pl. 83. de cuſtod̄ Terre & hered̄ ſive de cuſtod̄ Terre, Reg. 161. 22 Ed. 3. f. 29.

* A Water. Plt.

Precipe quod reddat lieth of all manner of Eccleſiaſtical or Spiritual Profits, as de Redmia Vicaria Portionibus Penſionibus Decimis &c. per Stat. 32 H. 8. c. 7. de omnibus & omnimodis Decimis majoribus minutis & minutis infra Villam ſive Hamlet de B. in Paroch de A. quoquomodo creſcen̄ contingen̄ & annuatim renovand̄ &c. Thel. lib. 8. ca. 9. ſect. 2. de quarta parte Decimarum & Oblationum Eccleſie Sancte P. &c. 16 Ed. 3. de quadam Portione Decimarum or Terre not ſhewing how much, 1 H. 4. f. 1. Dyer fo. 84. pl. 83, 84, 85, & 86. In old time de hida Terre per Glanvil, de caruca Terre, 4 E. 3. 161. de bovat̄ Terre, 6 E. 3. 291. de ſex pedibus Terre in longitudine & quatuor in latitudine, 14 Aſſ. 13.

These are according to Mr. *West's Symb. part* 2. *ſect.* 2 & 3.

A Precipe quod reddat lieth de tosto & stur Volendini, 14 Ed. 3. de Hundredo de C. Ballivato de B. 34 E. 1. 3 E. 3. de Pastur ad sex Boves, 3 E. 3. f. 23. 4 E. 2. de Rod Terre, 3 E. 5. de Advocatione, 34 E. 1. de quadam portione Terre, 11 H. 4. f. 40. 5 H. 7. fo. 9. de Medietat unius Rode Terre, 41 E. 3. de Shopa, Reg. fo. 3. de quatuo Acris Alnet, 11 Ass. 13. de Turbar by the name of Moze, 8 E. 3. f. 387. and it lieth in a Town and not in an Hamlet, 8 E. 3. f. 55. 7 E. 3. 9.

Of what things a Writ of Entry lieth not.

A Precipe quod reddat lieth not de * Fossato, nec de Stagno, nec de Piscar 8 E. 3. 381. nec de Advocatione Decimar unius * carucat Terre, Reg. f. 29. nec Communia pasture, 27 H. 8. f. 12. de Ca verlis, 2 Ed. 3. de homagio & fidelitat nec de servitiis faciendis, 6 E. 2.

* Not of a Ditch, nor of a Pool.

* A Wain Land.

It lieth not de Bovat Warisci, 13 E. 3. f. 3. de * selonie Terre, Ed. 1. for the Incertainty, becaufe a Selon which is a Land fometimes containing an Acre, fometimes more and fometimes leſs.

* A Selon or Ridge of Land

It lieth not of a Garden, Cottage or Croft, 14 Ass. 13. 8 H. 8. 3. 22 E. 4. 13. de virgat Terre, 41. 43. 13 E. 3. de Fodina, de Min nera, de Mercatu, 13 E. 3. For they lie not in demeſne but in gain nec de superiori Ca mera, 3 H. 6. f. 1. It

It lieth not of an Annuity, nor of a Tenement, but it must be of Houses and a certain quantity of Acres, *Moor Rep.* 953.

A Writ of Entry ought not to contein one and the same thing twice, as a Messuage and an House, parcel of the same Messuage, 3 *Ed.* 4. *f.* 28. 46 *E.* 3. 26. Nor to name a Town and an Hamlet within the same Town, 22 *E.* 3. 14. 21 *E.* 3. *f.* 22. But the Practice is now otherwise as to this, and some other of the things before mentioned, as you may observe before, that a **Precipe qd reddat** is said not to lie **de Piscaria, Estoveriis, de Gardino, nec de Communia pasture**; but the use is otherwise, as you will see by the Recoveries in this Treatise; and though it may be meant that a *Precipe* lies not of one of those things singly alone, as of a Common; yet being joined and expressed with other things, it may well lie, and is every days practice.

According to *West's Symb. part* 2. *sect.* 1, & 3.

We should shew something of the Persons as may be allowed to suffer Recoveries, but it shall suffice to say, That such Persons, and by such Names, may be Demandants, Tenants and Vouchees in Recoveries as may be Cognizors and Cognisees in Fines, *Co. Lit.* 372. See in the Treatise of Fines.

Rules to be observed in placing Particulars in a Writ of Entry.

1. THE more worthy Things must be placed before the things less worthy, as a Castle must be set before a Mannor, a Mannor before a Messuage, a Messuage before a Toft or Mill, &c.

2 Things General must be put before things Special, as Land being the General or Genus as Meadow, Pasture, &c. is placed before Meadow, &c.

3. Entire or whole things are to be put before Parts, as one Messuage and the Moiety of one Messuage, &c.

For the more orderly and formal placing of the Particulars in a Writ, observe this Method: Maneria de B. & S. cum pertinen' ac Messuagia unam Shopam unum Toftum unum Molendinum unum Columbar' duo * Gardina viginti Acras Terre decem Acras Prati quinq; Acras Pastur' sex Acras Bolsci centum Acras Jampnor & Bruere centum Acras Moze centum Acras Juncarie decem Acras Mariſci decem Acr' Alneti decem Acr' Rubcarie quinq; Acr' Terr' aqua coopert' viginti Librat' duos Solidat' unum Denar' unum Obulat' & unam Quadrantat' reddit' & reddit' unius par Calcar' deaurat' decem Capon' duorum Gallor' duarum Gallinarum quinq; Libr'at

* Note the word *Gardinum* is used both for Garden and Orchard in real Actions, and not *Pomarium*; and if that word be used, you may plead in Abatement as being contrary to the course of the Registier. See such a Plea in *Form' hine Placitandi tit.* Abatement

ibaſ Piperis trium Clavoꝝ Cariophili ⁊ Libr Cumini Comunia paſtur p omnioꝺ ueriis Uic Franc pleꝯ Liberam Warren iam Piſcariam Libertaſ Faldagii acetia ndinas ⁊ Mercaſ Theolonium Stallag ⁊ ag Catalla Felon Fugitivoꝝum Utlagaſ in exigenꝺ poſt Deoꝺanꝺ Catalla Waviaſ Extrahur cum pertin in B. A. S. N. ⁊ W. ternon Rectoꝝias de W. ⁊ S. cum pertin ac nes ac omnioꝺ Decimas eiſdem Rectoꝝiis ctan ⁊ pertinen acetia Advocationes Ec- ellarum de N. ⁊ W. ac Advocationes Vi- ane Eccleſie de Y. Et in que ꝛc.

Divers ſother Particulars may be put in the Writ, as may be ſeen in the Regiſter *fol.* 1, 2. N.B. 2. *Weſt Symb.* 2. *pag.* 77.

noꝝ de A. cu ptiñ
ſtru de B. cu ptiñ
rgus de C. cu ptiñ
zeꝺ de D. cu ptiñ
aiu de E. cu ptiñ
eſta de F. cu ptiñ
acea de G. cu ptiñ
ius Manerii de Y. cum pertiñ
Terra aqua coopt
Communia paſtur p omnioꝺ Averiis
Dece Solidaſ Reꝺdit
Reꝺdit duoꝝum Gallꝝ duarum Gallinar unius Libr Piperis ꝛc.
Yeluag
Shopa
Cellarium
Toftum
Una Wharfa
Una Kaia
Mundine ⁊ Mercate cum pertiñ.
Uic Franc pleꝯ cu pertiñ
Catalla Felon Utlag ⁊ in exigenꝺ poſt Catalla waviaſ ⁊ extrahuꝫ Deoꝺanꝺ Rectoꝝia

Rectoria de B. cum pertin' ac omnes ac oñiod' Decimas qualcunque eidem Rectorie spectan' & pertinen'
Scitus nuper Monasterii de J. cum ptin'
Pratum
Pastura
Boscus
Jampnus & Bruera
Moza Juncaria
Ruscaria Mariscus
Alnetus
Molendinum
Columbar'
Macellum
Gardinum
Terra
Liba Piscaria
Liba Warenna
Libtas Faldagii
Una Salina
Una Bullar'. Aq[ua] salse
Advocatio Eccles[ie] B.
Advocacio Vicarie Ec[cle]sie de C.
Pallagium ultra [Th]quam Thames
Tres partes un[ius] Pelagii
Medietas unius [Pe]lagii
Una pars unius [Pe]lagii Comm[un] pastur' ad om[nes] partes p[er] Ne[ss] Medietas & t[ota] pars Cole.

The Rule for the Payment of Mony in the Alienation Office.

Every 5 Marks and 20 Shillings payeth 8 *d.* From 5 Marks and 20 Shillings unto Marks and 40 Shillings payeth 10 *s.* Above Marks and 40 *s.* unto 10 Marks and 20 *s.* payeth 13 *s.* 4 *d.* So in like proportion for all others.

		l.	s.	d.
Land rated at	40 s. or under payeth--	0	0	0
	Above 40 s. to 3 l. 6 s. 8 d. payeth--	0	6	8
	5 l. 6 s. 8 d. payeth--	0	10	0
	7 l. 13 s. 4 d. ——	0	13	4
	8 l. 13 s. 4 d. ——	0	16	8
	10 l. payeth ——	1	0	0
	12 l. payeth ——	1	3	4
	14 l. 6 s. 8 d. payeth—	1	6	8
	15 l. 6 s. 8 d. payeth—	1	10	0
	17 l. 13 s. 4 d. payeth-	1	13	4
	18 l. 13 s. 4 d. payeth	1	16	8
	20 l. payeth ——	2	0	0
	22 l. payeth——	2	3	4
	23 l. 6 s. 8 d. payeth-	2	6	8
	25 l. 6 s. 8 d. payeth--	2	10	0
	27 l. 13 s. 4 d. payeth-	2	13	4
	28 l. 13 s. 4 d. payeth--	2	16	8
	30 l. payeth ——	3	0	0

Directions how to ſue out Recoveries.

IN ſuffering Recoveries the Tenants and Vouchers do moſt commonly appear in perſon in Court: But ſometimes they either will not, or cannot appear in Perſon; and then they do uſe to appear and ſuffer the Recovery by Attorney: Of both which in order.

Firſt therefore when you would ſue forth a Recovery to be ſuffered by the Parties in open Court;

Draw

Draw your *Præcipe* according to the Direc-
ons afore given, naming the Demandant a
the Tenant, the Quantity of Land and of wh
Nature, how many Acres, what Mannors, M
ſuages, &c. and in what place or places th
lie and extend.

Next you may carry it to the Curſitor of th
County, where the Lands lye, for a Writ
Entry. But note it is the common uſe to paſ
Recovery at the Bar, before a Writ of Entr
is ſued out; therefore having drawn your *Pr*
cipe in Paper, then enter it upon the firſt ſk
membrance of the Prothonatory in whoſe O
fice you enter, and put the Voucher or Vouche
Names in the Margent thus, *viz.*

With a ſingle Voucher.

Tenens in propria perſona ſua voc̄ ad Warr̄ * *Edm. Clent*, &c.

Midd. ſſ. PRecipe A. B. quod juſte &c. re
dat C. D. Gen' unū Meſuag'
& decem Acr' Paſtur' cum pertin' in C.
clam' &c.

* *Note*, the Common Vouchee is uſually Ba
bearer to the *Cuſtos Brevium* of the Comm
Pleas, and is named *Edmund Clent* in th
Preſidents; but now *John Wheeler* is Ba
bearer.

If it be with a double Voucher then enter
thus: *viz.*

Midd' ſſ.

Tenens in propria persona sua voc ad war F. G. Gen qui presens vocat Ed. Clent [or J. Wheeler]

ild' ss. PRecipe A. B. quod juste &c. reddat C. D. Gen unum Messuagium & decem Acr Pasture cum pertin in que clam &c.

If it be with a Treble Voucher then thus:

Tenens in propria persona sua voc ad war F. G. Gen qui psens voc H. G. qui psens voc Edm. Clent [or J. Wheeler] So that you must always name the common Vouchee last.

ild. ss. PRecipe A. B. quod juste &c. reddat C. D. Gen unum Messuagium & decem Acr Pastur cum pertin in E. que clam &c.

Note, that upon this Remembrance, after your Precipe, you are to enter the Return and Teste of your Writ of Entry; but the Recovery may for dispatch be passed first at the Bar, and so is the common use. Therefore having entred your Precipe on the Remembrance, and having your Tenant and Vouchers ready at the Bar, the Court being at * leisure deliver the Remembrance on which your Precipe is entred (which Remembrances are always brought to the Hall in the Term time) to one of the Serjeants at the Bar, having called up your Clients between the Serjeants; but the Demandant need not to appear, only the Tenant and Voucher. And if your Client be a Noble Man, you must place him in the middle of the Bar between the Kings Serjeants or the two other eldest Serjeants in their absence. Your Precipe being delivered the Serjeants will plead, and soon dispatch your Business.

* Note, the fittest time will be in the Morning when the Judges first sit down, before they enter upon Business.

If

If the Recovery be with ſingle Voucher th
Serjeants plead it; one for the Demandant, o
for the Tenant and the third for the Vouchee.

If with a double Voucher then four S
jeants.

If with a treble Voucher then five Se
ants.

Every Serjeants Fee being 3 *s.* 4 *d.* out
which each Serjeant allows to the Clerk
ſueth out the Recovery 1 *s.* 4 *d.* ſo that you
them only 2 *s.* a piece.

*The Form of the Serjeants pleading a Recov
with ſingle Voucher is as followeth.*

1. THE Serjeant, who hath the Remembr
will ask which is the Tenant, and
him to ſtand up, as alſo the Vouchers, to
intent they may be ſhewn to the Court;
the Judge will ask, Who knows the Pa
which you or ſome other muſt anſwer,
know them to be ſuch Parties, leſt there
be Fraud in it, as there hath been for
where the Husband brought in another W
a Stranger ſaying, ſhe was his Wife, and
fered a Recovery of his Wifes Land to c
her Eſtate without her conſent.

And note, That *Roll* Chief Juſtice ſaid,
though it was not neceſſary to examine a
Covert when ſhe joyns with her Husband
ſuffer a Recovery; yet he held it prude
and that he uſed to do it, *Pract. Reg.* 1
295.

Then the first Serjeant counts by the Prothonotaries Remembrance according as the Writ there entred after this manner, *viz.*

Ceo vous monstre J. D. que J. S. ad luy Le primier Serjeant.
forze del Mannor de D. ovesqz les appertenances en le Countie de C. (reciting all the particulars) & que ceo est son droit & inheritance d'ount il meisme fuit seisie en son demeisne come de fee & droit en temps la peace en temps la Roy qui ore est Et les Eſplées pryse al value de vempe Mark & pluis Et pur quent le dit J. S. n'ad pas entre si non mis dissessin que H. Hunt de ceo torticulmēt sans Judgment a fait ad le dit J. S. deins triginta ans darrein passe si le dit J. S. ceo voit dedire, vous aves cy le dit J. S. que ceo ad pozt son suite.

The Serjeant for the Tenant saith, Vous aves Le second Serjeant.
cy le dit J. S. qui defend son dit & vouch garranty Edm. Clent & pria que il soit mon deins le Countie avantdit p le aid de ceſt Court.

Vous aves cy le dit Edm. Clent qui cy est 3. Serjeant.
venter en le garranty & pria que le defendant counta vers luy.

Cartel Count (mutatis mutandis.) 1. Serjeant.

Vous aves cy le dit Edm. Clent qui defend son droit & dit que le dit H. Hunt ne disseisa pas le dit J. D. sicome le dit J. D. per son briefe & Count suppose & sur ceo luy mette sur le pais. 3. Serjeant.

Vbe vostre conge nous volumus imple. 1. Serjeant.

If it be with a double Voucher, then the first Serjeant counts as before. Ceo vous mon- Doucle Voucher.

And

2. Serjeant. And ſo likewiſe the ſecond for the Ten as before, only inſtead of Common Vouch he calls the firſt Voucher *A. B.*

3. Serjeant. Then the Serjeant of the Vouchee muſt de the Judges to record the Appearance of Vouchee (and ſo of every Vouchee unleſs i Common Vouchee) which done he muſt ſ Vous aves cy le dit A. B. que cy eſt p dentre in le garanty & prie que le dem dant counteroit envers luy.

1. Serjeant. Autiel Count (mutatis mutandis.)

3. Serjeant. Vous aves cy le dit A. B. qui defend droit & vouch a garranty Edm Clent Ca que il ſoit ſummom deins le County a dit p le aid de ceſt Court.

4. Serjeant. Then the fourth Serjeant muſt ſay, Vou ves cy le dit Edm Clent que cy eſt dentre en le garranty & prie que le dem dant counteroit envers luy.

1. Serjeant. Autiel Count (mutatis mutandis.)

4. Serjeant. Vous aves cy le dit Edm Clent qu fend ſon droit & dit que le dit Hugh ne diſſeiſa pas le dit J. D. ſicome le dit p ſon briefe & count ſuppoſe Et ſur ceo mitte ſur le pais.

1. Serjeant. Ove voſtre conge nous volumus imp

And ſo in the like manner if it be with Voucher, (*mutatis mutandis.*)

The Tenant and Vouchers Appearance ing recorded, and the Serjeants Plea ended, Prothonotary ſitting in Court will mark the membrance in the Margent of the Precipe [*Ad Barram*] Which done and the Fees o Court paid, you muſt get the Curſitor of Cou

unty to make your Writ of Entry by the Pre- drawn up in Paper as is afore directed; and ing your Writ of Entry unſealed, you muſt ceed therewith in the Alienation Office and er Offices in all things as in Writ of Covenant n a Fine; for the * Fees are all one, only you ſt have the Attorny General's Hand to your it of Entry (which you have not to a Writ Covenant) for which you pay 10 s.

Then take your Writ and get it ſealed, and open it and return it, as you do a Writ of enant.

Then deliver your Writ to a Clerk of the notaries Office, who entreth for you, and will enter and exemplifie your Recovery; but ou can enter it your ſelf, then firſt draw up Recovery after this manner, ſuppoſing it in *Wiltſhire* and betwixt the Parties follow- with the Parcels.

* See before the Rule of Fees for Alienation Office, and ſee after.

See after for a Writ of Entry and Return.

e Form of a Recovery with a ſingle Voucher.

ls' ff. J. D. Armiger in propria perſona ſua petit verſ W. W. Gen' tria ſuagia ſeptem Gardina ſeptuaginta Acr' rre novem Acras Prati quinvetim Acras ſture vigint Acr' Jampnorum & Bruere Communiam paſture pro omnibus Aſtis Communiam turbarie cum pertin' in S. jus & hereditarem ſuam. Et in que idem non habet ingreſſum niſi per diſſeiſinam am Hugo Hunt inde inſuſt & ſine Judicio it prefat' J. infra triginta annos &c. Et de dicit q̄ ipſemet fuit ſeiſitus de Tene-

mentis & Communiis ꝓdict cum pertin
dominico suo ut de feodo & jure tempoze
eis tempoze Domini Regis & Domine
gine nunc capiendo inde exples ad valer
am &c. Et in que &c. Et inde ꝓsq
lectam &c.

Et predictus D. in ꝓpria persona
venit & defendit jus suum quando &c.
vocat inde ad war Comundum Clent
preseus est hic in Curia in ꝓpria per
sua Et gratis Tenemta & Comunias
ei war &c. Et sup hoc ꝓd J. pet sius
Comundum tenen p Wart suam Ten
& Communias ꝓdictas cum ptin in fo
ꝓdicta &c. Et unde dicit quod ipsemet
seisitus de Tenementis & Communiis ꝓd
cum ptin in dominico suo ut de feodo &
tempoze pacis tempoze Dni Regis &
Regine nunc capiendo inde exples ad
lentiam &c. Et in que &c. Et inde ꝓsq
lectam &c.

Et predictus Comundus tenens per
suam defend jus suum quando &c. Et
qd predictus Hugo non disseisivit ꝓfat
J. de Tenementis & Communiis ꝓdictis
pertin put idem J. per breve & narration
sua predicta superius supponit Et de
ponit se sup patriam &c.

Et predictus J. petit licentiam inde in
loquendi Et habet &c. Et postea idem J.
venit hic in Cur isto eodem Termino in
pria plona sua Et predictus Comundus
solemniter eract non revenit set in conten
tum Curie recessit & defalt facit Ideo co
deratu

…tum est qd predictus J. recuperet seisi… …n suam versus predictum D. de Tenemẽtis …Communitis predictis cum ptin. Et quod …n D. habeat de terra predicti Edmundi ad …ntiam &c. Et idem Edmundus in mi…cordia &c. Et super hoc predictus J. pe… Breve Dñi Regis & Dñe Regine Ci… …nici Comitatus predicti dirigens ve ba… …facien' ei plenariam seisinam de Te…nentis & Communis predictis cum p… Et ei conceditur retornabile hic a die …nte Trinitatis in tres septim' &c. Ad …m diem venit hic in Cur predictus J. in …pria persona sua Et vic' venit &c. P. …tiger modo mand quod ipse virtute Bre… …predicti sibi dicat duodo die Junii ult p… …habere fecit predict J. plenariam seisinam …Tenementis & Communis predictis cum …in. prout p Breve illud sibi preceptum …est.

…are not 15 days between the Return of the Writ of Entry and …nd of the Term, then the Writ of Seisin must be made [*retur…le hic indilate*] and the Writ of Seisin must always bear *Teste* & Return of the Writ of Entry when there is no Summons. See …e concerning Writ of Seisin and Return after.

Note, you may also get ready your Writ of Seisin and seal it, and return it with your Writ of Entry: See after for a Writ of Seisin and Return.

* Note, The Writ of Seisin ought to be made returnable at least 15 days after the Return of the Writ of Entry; but if the Writ of Entry be returnable towards the later end of the Term, so that

…e Form of a Recovery with Double Voucher.

…erks' ff. J. D. Armiger in propria persona …sua pet versus A. D. Generosum …& R. V. Generosum ter' Petuagta unū …Mesuagium ter' Gardina quadringentas Acr' …terre duodecim Acras Prati duodecim Acr'

Pasture vigiuti & quinqz Acr Bosci duc
tas Acr Jampnoꝝ & Bruer Libertat
oꝝm Faldagioꝝm & curs Ovium cum
in L. C. L. & C. C. ut jus & hereditat
suam & in que iidem A. & B. non habent
gressum nisi post dissesinam quam
Hunt inde injuste & sine judicio fecit
J. infra triginta annos &c. Et unde di
ipsemet fuit seisit de Tenementis Libe
& curs, ovium predict cum ptin in d
nico suo de feodo & jure tempoze pacis
poze Dni Regis & Dne Regine nunc cap
inde expleꝭ ad valenciam &c. Et in qu
Et inde produc sectam &c.

Et predicti A. & B. in propriis plonis
ven & defend jus suum quando, &c. Et
caut inde ad war J. H. Armigerum qui
lens est hic in Cur in propria persona
& gratis Tenenzenta Libertat & curs o
predict cum pertin eis war &c. Et
hoc predictus J. D. pet versus ipsum J.
teneñ p war suam Tenemta Liber
curs ovium predict cum ptin in forma
&c. Et unde dic qd ipsemet fuit seisit de
nementis Libertat & curs ovium pdict
ptin in dnico suo ut de feodo & jure tem
pacis tempoze Dni Regis & Dne Re
nunc capiend inde expleꝭ ad valentiam
Et in que &c. Et inde produc sectam &c.

Et predictus J. H. tenens p War s
defend jus suum quando &c. Et ulterius
inde ad War Edmundum Client qui s
ter prelens est hic in Cur in propria p
sua & gratis Tenemta Libertat & curs p

ek cum pertin ei war ꝛc. Et super hoc
s J. D. pet plus ipsum Edmundum te-
p war suam Tenemta Libertat ꝛ curs
m pdict cum ptin in forma predicta ꝛc.
unde dic qd ipsemet fuit seisit de Tene-
tis Libertat ꝛ curs Ovium pdict cum
) in dominico suo ut de feodo ꝛ jure tem-
pacis tempore Dni Regis ꝛ Dne Re-
nunc capiend inde exples ad valentiam
Et in que ꝛc. Et inde pduc sectam ꝛc.
et predict Edmundus tenens p War suo
no jus suum quando ꝛc. Et dic qd pdict
go non disseisivit pfat J. D. de Tenemtis
libertat ꝛ curs Ovium pdict cum pertin
m idem J. p Breve ꝛ Narrationem sua
dicta supius supponend Et de hoc pon se
patriam ꝛc.
ꝛ predictus J. D. pet licentiam inde in-
quendi ꝛ habet ꝛc. Et postea idem J.
) hic in Cur isto eodem termino in pro-
pria sua ꝛ predict Edmundus licet so-
miter exact non revend set in contempt
recessit ꝛ defalt facit Ideo consideratu
nod pdict J. D. recupet seisinam suam
pfat A. ꝛ R. de Tenemtis Libertat ꝛ
Ovium pdict cum ptin Et quod idem
ꝛ R. habeant de Terra pdict J. H. ad va-
ciam ꝛc. Et qd idem J. H. ulterius ha-
at de Terra pdict Edmundi ad valentiam
Et idem Edmundus in mia ꝛc. Et sup
pdict J. D. pet Breve Dni Regis dic
nd pdict dirigend de habere facient ei
nariam seisinam de Tenemtis Libertat ꝛ
Ovium pdict cum pertin Et ei conce-

dium retornabile hic in Octabis Sci Hill
&c. Ad quem diem hic ven predictus J.
in propria psona sua Et Vic' videlt
Armig modo mand quod ipse virtute Br
predicti sibi direct vicesimo * die Decem
ult' prefat habere prefat J. D. plenariam
ssnam de Tenemtis libertat & cursu D
dict cum ptin prout p Breve illud sibi
ceptum fuit &c.

* Note you may suppose Seisin to be delivered any reasonable time between the *Teste* and Return allowing that a Man might ride from *Westminster* to the Land and again by that time, which may be supposed to be done in six da any part of *England*.

The Form of a Recovery with Treb Voucher.

North' ss. J. H. in propria psona sua pet
F. J. Generosum quatuor
Prati cum ptinen in Wellingborow
Wendlingborow & Dodington magna
& hereditatem suam Et in que idem J.
habet ingressum nisi post dissseisinam
Hugo Hunt inde injuste & sine Judicio
pfat J. infra triginta annos &c. Et und
quod ipsemet fuit seisit de quatuor Acr
dict cum ptin in dominico suo ut de fe
jure tempore pacis tempore Dni Reg
Dne Regine nunc capiend inde exple
valentiam &c. Et in quas &c. Et inde
sectam &c.

Et predictus F. in propria psona sua
& defend jus suum quando &c. Et voc
ad war R. D. de H. Juniorem Gen

ens est hic in Cur in propria plona sua
gratis quatuor Acr pdict cum ptin ei
r &c. Et sup hoc pdictus J. per ꝯlus ip-
R. tenend p War suam quatuor Acr
ict cum ptin in forma pdicta &c. Et unde
quod ipsemet fuit seisit de quatuor Acr
dict cum ptin in dominico suo ut de feodo
ure tempore pacis tempore Dom̃i Regis &
e Regine nunc capiend inde exples ad va-
niam &c. Et in quas &c. Et inde prodnc
am &c.

Et predictus R. tenens p War suam de-
jus suum quando &c. Et ulterius voc
ad War R. D. de H. Ar qui similiter
s est hic in Cur in propria plona sua &
is quatuor Acr pdict cum ptin ei war
Et super hoc predict J. per ꝯlus ipsum
D. Armig̃ tenend per war suam quatuor
pdict cum ptin in forma pdict &c. Et
vic quod ipsemet fuit seisit de quatuor
pdict cum ptin in dominico suo ut de
& jure tempore pacis tempore Domini
gis & Dn̄e Regine nunc capiend inde ex-
s ad valentia &c. Et in quas &c. Et inde
c̄ spectam &c.

Et pdictus Ric̄us D. Armig̃ tenens per
r suam defend jus suum quando &c. Et
terius voc inde ad war Edmundum Clent
ui similiter plens est hic in Cur in propria
ona sua & gratis quatuor Acr predict cum
id ei war &c. Et super hoc pdict J. per
us ipsum Edmundum tenend p war suam
atuor Acr pdict cum ptin in form predict
Et unde vic quod ipsemet fuit seisit de

quatuor Acris ꝓdict cum ꝑtin in domi
suo ut de feodo & jure tempore pacis tem
pacis Dñi Regis & Dñe Regine nunc
endo inde erpleñ ad valentiam &c. Et in
&c. Et inde ꝓduc lectam &c.

Et ꝓdictus Edmundus tenens ꝑ War
defend jus suum quando &c. Et dicit quo
dict Hugo non disseisivit ꝓfat J. de qua
Acr ꝓdict cum ꝑtin ꝓout idem J. ꝑ
& Marr sua ꝓdict supius supponit Et de
pon se sup Patriam &c.

Et ꝓdictus Johes pet licentiam inde
loquendi Et habet &c. postea idem
revend hic in Cur isto eodem Termi
ꝓpria ꝑsona sua Et ꝓdictus Edmund
pet solempniter eract non revend set in
temptum Cur recessit & defalt facit
considerat̃um est quod ꝓdict Johes re
seisinam suam &c. ꝓfat J. de quatuo
ꝓdict cum ꝑtin Et quod idem J. habe
Terra ꝓdict R. D. Genost ad valentia
Et quod idem R. ulterius habeat de
ꝓdict R. D. Armigeri ad valentiam &c.
quod idem R. ulterius habeat de Terra
Edmundi ad valentiam &c. Et idem Ed
dus in mia &c. Et sup hoc ꝓdictus J.
Breve Dñi Regis Vic Com ꝓdict diri
de habere faciend ei plenar seisinam de
tuor Acris ꝓdict cum ꝑtin Et ei com
tur retornabile hic in dilate &c. postea
tertiodecimo die Febr̃uarii isto eodem
mino ven hic in Cur ꝓdict J. in ꝓpria
sona sua Et Vic videl H. S. modo m
quod ipse virtute Brevis ꝓdict sibi dir

octa

vo die Februarii ult preterit habere fec
J. plenar seisinam de quatuor Acris p-
cum ptin put p Breve illud sibi precep
fc.

Form of a Recovery with a Quadruple Voucher.

H. L. Generosus & S. E. Generosus in propriis personis suis petunt
s M. E. Gen Maneria de Elsted als El-
ted Dumford alias Damford alias Demp-
Didlinge alias Dedling Farnehurst
s Farnest Awkesborne als Hawkisborne
s Old Park Camoys-Court Trotton als
tton alias Trudington Iford & Dawk-
gridge cum ptin Necnon centum Me-
gia centum Gardina quatuor mille Acr
re trescentas Acr Prati mill Acr Pastur
ngentas Acr Bolci quingentas Acr Jam-
m & Bruere trescentas Acr Marisci & li-
m Warennam cum ptin in Elsted als
ested Dumford als Damford als Demp-
Didling alias Dedling Awkesborne als
wkisborne als Old Park Camoys-Court
tton als Tratton alias Trudington I-
Dallingridge Farnhurst als Fernhurst
eyford Terrick Horsham Nutstead alias
Nutstead Barcombe Dirclinge St. Johns
Castro de Lewes Chaley East Grim-
Horsted Keynes Hodely alias Heath-
West Hedly alias West Heathley Ad
vocationem Ecclesiar de Ruper & Hitch-
field ut jus & hereditatem suam Et in

que

que iidem M. & N. non habent ingres
nisi post deisseisinam quam Hugo Hunt
injuste & sine judicio fecit Pat̃ H. & S.
triginta Annos &c. Et unde dicunt q̃
simet fuerunt seisiti de Maneriis Parco
nemtis libera Warenna p̃dict̃ cum pti
dominico suo ut de feodo & jure Ac de A
catione p̃dict̃ ut de feodo & jure tempore
cis tempore Dñi Regis & Dñe Regine
capiend̃ inde exples̃ ad valentiam &c. E
que &c. Et inde p̃duc̃ sectam &c.

Et predicti M. & N. in propriis per
suis ven & defend̃ jus suum quando &c.
vocant inde ad war T. C. Generosum qu
sens est hic in Cur in propria plona su
gratis Maneria Parcum Tenemta & libe
Warennam p̃dict̃ cum pti ac Advocati
p̃dict̃ eis war &c. Et sup hoc predicti
S. petunt versus ipsum T. tenend̃ p
suam Maneria Parcum Tenemta & libe
Warennam p̃dict̃ cum pti ac Advocati
p̃dict̃ in forma p̃dict̃ &c. Et unde dic
ipsimet fuerunt seisiti de Maneriis Parco
nementis & libera Warenna p̃dict̃ cum
in dominico suo ut de feodo & jure ac de A
catione predicta ut de feodo & jure tem
pacis tempore Dñi Regis & Dñe Re
nunc capiend̃ inde exples̃ ad valentiam &c.
in que &c. Et inde p̃duc̃ sectam &c.

Et p̃dictus T. tenens p̃ war suam de
jus suum quando &c. Et ulterius voc
ad war J. B. Armiger qui similiter p
est hic in Cur in propria plona sua Et
tis Maneria Parcum Tenementa & liber

Warenna

rennam ꝓdict cum ptin̄ ac Advocatiõne
igiam eis war ꝛc. Et super hoc predicti
S, petunt versus ipsum J. B. tenen ꝑ
suam Maneria Parcum Tenementa ꝛ
ram warennam ꝓdict cum ptin̄ ac Advo-
nem ꝓdict in forma ꝓdict ꝛc. Et unde
quod ipsimet fuerunt seisit de Maneriis
co Teneñtis ꝛ libera Warenna ꝓdictis
ptin̄ in dominico sup ut de feodo ꝛ jure
e Advocatione ꝓdict ut de feodo ꝛ jure
poze pacis tempoze Dñi Regis ꝛ Dñe
ine nunc capiend inde erples ad valen-
ꝛc. Et in que ꝛc. Et inde ꝓduc
m ꝛc.

ꝓdictus J. B. tenens ꝑ war suam de-
jus suum quando ꝛc. Et ulterius vocat
ad war R. L. Militem qui similiter ꝑ
est hic in Cur in ꝓpria ꝑsona sua Et
is Maneria Parcum Tenemta ꝛ liberam
rennam ꝓdict cum ptin̄ ac Advocatione
eis war ꝛc. Et super hoc ꝓdicti H. ꝛ
runt ꝑsus ipsum R. L. tenen ꝑ war
Maneria Parcum Teneñta ꝛ liberam
rennam ꝓdict cum ptin̄ ac Advocatione
in forma ꝓdict ꝛc. Et unde dic quod
net fuerunt seisit de Maneriis Parco Te-
entis ꝛ libera Warenna ꝓdict cum ptin̄
ominico ut de feodo ꝛ jure ac de Advo-
me ꝓdict ut de feodo ꝛ jure tempoze pa-
tempoze Dñi Regis ꝛ Dñe Regine nunc
inde erples ad valentiam ꝛc. Et in
ꝛc. Et inde ꝓduc lectam ꝛc.

Et ꝓdictus R. L. tenens ꝑ war suam de-
jus suum quando ꝛc. Et ulterius vocat

inde

inde ad war Edmundum Clent qui similit
plens est hic in Cur in ppria plona sua
gratis Maneria Parcum Tenemta & libera
Warennam pdict cum ptin ac Advocatio
pdict eis war &c. Et super hoc pdicti H.
S. petunt clus ipsum Edmundum tenen
war suam Maneria Parcum Tenemta
liberam Warennam pdict cum ptin ac
vocationem pdict in forma pdict &c. Et u
dicunt quod ipsimet fuerunt seisiti de Ma
riis Parco Tenemtis & libera Warenna
dictis cum ptin in dominico suo ut de fe
& jure ac de Advocacone pdict ut de feod
jure tempore pacis tempore Dni Regis
Dne Regine nunc capiend inde exples ad
lentiam &c. Et in que &c. Et inde pro
lectam &c.

Et pdictus Edmundus tenens p war
defend jus suum quando &c. Et dic qd
dictus Hugo non disseisivit pfat H. & S.
Maneriis Parco Tenemtis & libera War
na pdictis cum ptin ac de Advocatione p
pout iidem H. & S. p Breve & Narr
pdict superius suppon Et de hoc pon se
Patriam &c.

Et pdict H. & S. petunt licentiam inde
terloquendi Et habent &c. Et postea ipsi
H. & S. reven hic in Cur isto eodem Te
mino in propriis personis suis & pdictus Ed
mundus licet solempniter exact non rev
set in contemptum Curie recessit & defalt fa
Ideo consideratum est qd pdict H. & S. rec
perent seisinam suam clus pfat H. & S. de
Mannis Parco Tenemtis & libera Warenna
pdict

dict cum ptin ac de Advocatione ꝑdict
ꝙ idem M. N. habeant de Terra ꝑdict
C. ad valentiam ꝛc. Et ꝙ idem T. C.
erius habeat de Terra ꝓdict J. B. ad
ntiam ꝛc. Et quod idem J. B. ulterius
at de Terra ꝑdict R. L. ad valentiam ꝛc.
ꝙ idem R. L. ulterius habeat de Terra
Edmundi ad valentiam ꝛc. Et idem
undus in mia ꝛc. Et sup hoc ꝑdict H.
petunt Breve Dñi Regis hic Com
dirigend de habere faciend eis plenar
am de Hanertis Parco Tenentis & li-
Warenna ꝑdict cum ptin ac de Advo-
ne ꝑdict Et ei conceditur retornabile
ndilate ꝛc. Postea scilt duodecimo die
uarii isto eodem Termino ven hic in
ꝑdict H. & S. in propria ꝑsona sua Et
videlt Thomas Piers Baronettus mo-
and ꝙ ipse virtute Brevis ꝑdict sibi di-
septimo die Februarii ult ꝑterit habere
dict H. & S. plenar seisinam de Vane-
Parco Tentis & libera Warenna ꝑdict
cum ptin ac de Advocatione ꝑdict ut p Breve
sibi ꝓceptum fuit ꝛc.

Your Recovery being thus drawn, you must next enter it upon a Plea Roll which the Prothonotary will give you for that purpose.

The next thing is to make an Exemplification for your Client, which you may do after the manner following.

The

The Exemplification of a Recovery with sin
Voucher where the Parties appear in per
at the Bar.

GUlielmus & Maria Dei gra A
Scoc Franc & Hibnie Rex & R
gina Fidei Defens &c. Omnibus ad q
psentes Litere nostre pvenerint salu
Sciatis qd inter Placita Terre irrotulat
pud Westm coram Georgio Treby
Sociis suis Justic nostris de Banco de
mino Sci Michaelis Anno Regni nri q
Rotulo * vicesimo quarto continetur
Willus f. J. H. Armig in mopria plom
pes versus D. M. Ged rtia Peluagii
tem Garvina &c. [Setting forth the w
Recovery verbatim according to the * Pre
with single Voucher unto the end of these w
prout p Breve illum nri psecepeum fu
Que omnia & singula ad requisitionem
J. H. tenore psentium vidimus exem
fand In cujus rei testimonium sig
nostrum ad Brevia in Banco dict sigil
deputat psentibus apponi fecimus
Georgio Wreby apud Westm vicesimo o
die Novembris Anno Regni nri quarto.

* According to the number of the Roll you entred it on.

* *i. e.* according to the Recovery you entred on the Roll.

The same Form may serve for Recov
with double or treble Voucher, &c. *mut*
mutandis.

Note, You must teste your Exemplificatio
after the Return of the Writ of Seisin; but it
there

be not * fifteen days between the Return Writ of Entry (or a Writ of Summons by Summons) and the end of the Term; must the Writ of Seisin be returnable *indi-*; and the Exemplification must bear *Teste* last day of the Term in which the Writ of (or Summons) came in.

ote also that if the Writ of Entry (or Sum- when necessary) be returnable so late in Term, that the Writ of Seisin cannot come urnable in the same Term, but that it must rnable the next Term. Then in your plification you must observe, That after ding the Return of the Writ of Seisin, you break off and conclude as before, Que a &c. And then upon the folding up of ottom of the Exemplification, or on the you must endorse thus, Ad quem diem d Plict (the Demandant) in propria per- sua Et inde bivelt A. B. modo simili virtute Brevis sit sibi direct vicesi- die Junii sit preceit habere sec plat Demandant) plenar seisinam de Tene- is pulct cum pcip put p Breve illud sibi inde fuit &c. But in the Roll there is not such distinction.

* As when 'tis returnable *Octab. Trin.* or *Quinden' Trin.* there are not 15 days from the *Teste* of *Octab. Trin.* or *Quinden' Trin.* until *Tres Trin.*

* As when the Writ of Entry or Summons is returnable the last Return of any Term (except Easter Term) then the Writ of Seisin must be awarded the first Return of the next Term; but if of *Easter* Term then the second Return of *Trin.* Term.

* Note, this Execution of Writ of Seisin may be supposed on any day, not being Sunday, ween the *Teste* and the Return of the Writ of Seisin, so that you e time enough that one may be supposed to ride from *Westminster* the land and back again by that day. See more hereafter.

Your Exemplification being thus made, and your Writ of Seisin [in the mean time] ng made and returned as of course; Then

examin

examin your Recovery with the Prothonot
(having first perfected the Precipe in the R
membrance according to the *Teste* and Ret
of your Writ of Entry as is afore observ
then Docket your Recovery, which done
Prothonotary will sign your Exemplifica
which with your Writ of Seisin you must
sealed; and then you must be careful to see
your Writ of Entry and * Seisin filed with
Custos Brevium of the Common Pleas; for
is the Warranty for your Proceedings had:
then you have no more to do, but to deliver
Exemplification of the Recovery to your Cl

* Note, they must be both signed by the Clerk of the Inrolment Office, to whom you must pay 2 s. 6 d. out of which he alloweth 6 d. to the Clerk that ſueth out the Recovery.

Note, If your Client will be at the Ch
you may have both the Writs of Seisin and
try exemplified with their Returns for
any miscarriage in filing them, which E
plifications are usually had at the Enrol
Office. For by the Statute 23 *Eliz.* c.
Office was erected for the Enrolment of
of * Entry and Seisin and Writs of Cove
&c. And it is thereby Enacted, That the
emplifications of such Writs shall have the
force and power as Writs themselves:
Form whereof you may find after.

* Also you may exemplifie your Writs of Summons and Warrants of Attorny, &c.

Thus have I shewn you step by step, how
pass a Recovery at the Bar with the Exem
cations thereof; next I will endeavour to
you how to sue forth a Recovery by *De*
Potestatem and Warrant of Attorny.

When your Tenant or Vouchers will not or cannot come into the Court in perſon, you muſt paſs your Recovery by Warrant of Atturney.

Theſe Warrants of Atturney may be taken two ſeveral ways.

1. Either by any of the Judges of Aſſize of either Bench, Barons of the Exchequer, and ſome ſay, by Serjeants at Law in their Circuits without a *Dedimus Poteſtatem*: Or,

2. By a *Dedimus Poteſtatem* directed to Commiſſioners in the Country.

Warrant of Attorny for Tenant in ſingle Voucher

Firſt then by Warrant of Atturney before a Judge (&c.) for the Tenant.

Draw up your Warrant in Parchment thus:

Lor' ſſ. PRecipe C. D. Ar quod juſte &c. reddat A. B. Gen viginti Meſ & quinque Gardina cum pertin in C. clam &c.

Lor' ſſ. C. D. Armig po. lo. ſuo F. G. & H. J. conjunctim & diviſim verſ A. B. Gen de plito Terre.

Note, there muſt be two Atturneys at the leaſt and their Authority joint and ſeveral, that if one dye, the other may proceed, &c.

This done go with the Party before the Judge and he will underwrite the day of the Caption, or you may rather underwrite it your ſelf thus,

Capt & Cognit decimo die Aug Anno Regni Dni Willi & Dne Marie Regis & Regine nunc &c. quarto coram

G. Treby.

To which the Judge puts his Hand,

Note, There must be a Transcript in Paper to which the Judge also puts his Hand, and then is to remain with the Clerk of the Fines.

Next, you must proceed to get your Writ of Entry made and passed through the Alienation-Office, where it must be signed by the Commissioners, and entred into their Book; then carry it back to the Cursitor to be sealed; and from thence to the Kings Attorney General for his Hand.

Then enter your Precipe on the Remembrance with the Note in the Margin, and next pass your Recovery at the Bar, *&c.*

Warrant of Attorny for the Tenant and Voucher in a double Voucher.

See more after of the Entry and Proceedings in a Recovery with single Voucher, when the Tenant appeareth by Warrant of Attorny taken before a Judge. *fol.* 253.

If both the Tenant and Voucher appear by Attorney; then draw your Warrants of Attorny thus, for a Recovery with double Voucher.

Wilt' ff. Præcipe J. W. qd juste &c. reddat R. C. unū Messuag & decem Acr Terre cum ptin in P. que clamat &c.

Wilts' ff. J. W. po. lo. suo A. R. & T. T. alt rotul suos conjunctim & divisim vlus R. C. de pl'to Terre &c.

Wilts' ff. H. P. quem J. W. vocat ad Warr po. lo. suo R. S. & J. P. conjunctim & divisim vlus R. C. de pl'to Terre. Capt & cognit (ut supra.)

G. Treby.

If with a treble Voucher, then the Warrants must be drawn thus,

Warrant of Attorny for Tenant and two Vouchers in a treble Voucher.

Lincoln' ff. Recipe E. W. quod juste &c. reddat W. G. decem Meluag cum ptin in S. que clam &c.

Lincoln' ff. E. W. po. lo. suo J. L. & J. A. conjunctim & divisim versus W. G. de plito Terre &c.

Lincoln' ff. J. D. quem E. W. voc ad Warr' po. lo. suo J. S. & W. B. conjunctim & divisim versus W. G. de plito Terre &c.

Lincoln' ff. O. D. quem J. D. voc ad War' po. lo. suo W. T. & J. C. conjunctim & divisim versus W. G. de plito Terre &c.

Capt & cognit &c. (ut supra.)

G. T.

Next proceed to get your Writ of Entry made and passed through the Alienation Office, which done, seal it; then it must be entred on the Roll, and a Writ of Summons awarded, which will come in five Returns after the *Teste* of the Writ of Entry inclusive. You must also make a Copy of the Declaration you entred in Parchment, which together with the Writ of Summons and Warrant of Attorny must be examined with the Prothonotary by the Writ

Note, you must make due Entry upon Record of all your Proceedings as they go on, for which see after.

of Entry and the Roll; then must you ret the Writ of Entry and file it: The Writ of Su mons you must seal, and keep it fixt toget with the Warrant of Attorny and Copy of D claration till the Writ of Summons be retur ble, at which time you must bring the same to Court, and deliver it to one of the Serjean who will draw it at the Bar as the manner Then paying your Fees you must take it fr the Serjeant, and give it to the Prothonotary w will mark it [*ad Barram*] and give it you ag Then you must compleat your Entry on t Roll and prepare for the Exemplification a perfect the Recovery as is before directed.

See after for the Entry and Proceedings these Cases when both Tenant and Vouc appear by Warrant of Attorny taken befor Judge.

Note, that although the Tenant appear Warrant of Attorny if either the Recovery single Voucher, or the Vouchers come in son, it needed no Summons, and so may perfect Recovery of one Term.

Note, you must carefully file all your Warr of Attorny with the Clerk of the Warra and all your Writs whatsoever with the *Cu Brevium*.

How to take Warrants by Dedimus Potestat *and to enter and pass the Recoveries the upon,*

WHen you take your Warrants by *Dedimus Potestatem*, you must procur your

Dedimus in the ſame manner, as when tis take a Fine, *viz.*

Draw your Precipe in Paper for the Curſitor make the *Dedimus* by, and then deliver it the Curſitor of the County, having firſt writ- the Commiſſioners Names thereon, whereof to be a Knight, thus;

coln' ſſ. Precipe C. W. quod juſte &c. reddat W. G. decem Meſuag ptis in D. que clam' &c.

Des Pot direct { A. B. Mil'. C. D. Armig', E. F. G. H. } Gen'.

If your *Dedimus* be for Vouchers, you muſt down their Names in the Inſtructions.

Take your *Dedimus* and deliver it to the Commiſſioners with a Precipe and Warrant or Warrants of Attorny ingroſſed, and let the Commiſſioners take the Caption, and then endit thus:

Note, the Vouchee muſt ſet his Hand to the Warrant.

pt & Cognit apud D. in Com' L. decimo quinto die Aug Anno Regni Dni Willi & Dne Ma- rie Regis & Regine nunc &c. quarto coram

A. B.
C. D.

You must also return the *Dedimus* on the back thus:

Executio istius Brevis (or Commissionis) patet in quadam Scedula huic Brevi annex'.

And then file the Precipe and Warrant to the back of the *Dedimus*, and so return it into the Court of Common Pleas.

If after the Caption any of the Commissioners refuse to return it, the Party grieved may by *Certiorari* compel him that hath it in his Custody, his Executors or Administrators to certifie it: The Form of which *Certiorari* see after.

If one of the Commissioners, who take the Cognizance be not a Knight (as many times happens) then a Certificate must be drawn upon the Back of the Precipe and Warrant; and then to be carried to a Judge for his *Allocatur*; the Form whereof may be thus:

A. B. Gent. one of the Commissioners in the Writ of *Dedimus*, named, maketh Oath, that these Warrants were duly taken, the Vouchees being of full Age. *A. B.*

And note, it is not held necessary to examin a Feme Covert when she joins with her Husband to suffer a Recovery; yet it is thought to be prudential, *Pract. Reg.* 295.

Dedimus upon single Voucher

Now observe, That if your *Dedimus* was only to take the Warrant of the Tenant upon a Recovery

Recovery with ſingle Voucher, then after it is returned, as above, by the Commiſſioners, carry your Caption back again to the Curſitor, who will make you a * Mittimus and Tranſcript of all your Proceedings.

* The Mittimus is to ſend the Tenor or Tranſcript to the Common Pleas, folding up the Tranſcript in the Writ of Mittimus, and ſo he ſealeth the Writ of Mittimus.

Then proceed to your Writ of Entry, and enter the Precipe upon the Remembrance, and make the Note in the Margent thus:

Petens in propria perſona tenens p. A. B. &c. Cum Clent.

Note, You muſt open your Mittimus and then file the Writ of Entry and Mittimus together, and deliver them with the Remembrance to a Serjeant, and ſo the Recovery paſſeth as the Manner is at the Bar. Then you muſt enter your Mittimus and Tranſcript in a ſmall Hand upon the Plea Roll (taken from the Prothonotary) beginning with the Mittimus, which having recorded *verbatim & literatim*, then in one continued Line, begin, and go on with the annexed Tranſcript of the Writ of *Dedimus*, and do the like to the end; and then about a Thumbs breadth diſtance begin underneath and make an Entry of your Recovery in great Hand on the ſame Roll, and then prepare for your Exemplification, &c. as before directed.

The Entry of the Mittimus begins thus: Dominus Rex & Domina Regina mand' Juſtic' ſuis de Banco Breve ſuum clm in hec verba; and ſo recite the Mittimus, &c. See after. Note, You have only a Tranſcript of the *Dedimus*.

Note, Remember to file your Warrant of Attorny with the Clerk of the Warrants.

See more of Proceedings when the Tenant cometh not in person, but by Attorny, when the Recovery is with single Voucher.

Quere of this.

But if your Recovery be with a double Voucher (which is most usual) and the Tenant to the Precipe do not appear at the Bar; then you must proceed as followeth: You must sue out a Writ of Summons against the Vouchee together with a *Dedimus Potestatem*, as before directed, to take the Warrants. And at the fifth Return inclusive from the Writ of Entry (accounting that of the Writ of Entry for one) the Writ of Summons returned together with a Transcript of the Entry of the Summons being fairly ingrossed, and a Transcript of the Caption being, as before, made by the Cursitor, being all fixed together, you may so pass at the Bar.

Dedimus upon double Voucher.

Note, no Summons or Warrant against the Common Vouchee.

But note, that if your Tenant do appear at Bar, then you must have a Writ of Summons against the Vouchee, and so against every Vouchee, except the common Vouchee, if it be with more Vouchers, and proceed therein as before directed. See for the Entry of these after.

You must make due Entries upon Record of all your Proceedings as they go on.

Note, Having ingrossed your Summons in Parchment, you may examin it by the Roll with the Prothonotary. In like manner you may pass it at the Bar by the Return of the Caption before you have a Transcript thereof from the Cursitor as well as afterwards.

See more hereafter of the Entries and Pro-
dings when the Warrants are taken by *Dedi-
Poteſtatem.*

Having neceſſarily ſpoken before of Writs of
ry, Summons and Seiſin; I will next ſet
n the Forms thereof with ſome obſervati-
thereon.

And firſt of a Writ of Entry; yet 'tis the Bu-
s of the Curſitor of the County where the
s lye to make it.

The Form of a Writ of Entry out of the Chancery.

Wilielmus ꝛ Parta Dei gra Angl Scoc
Franc ꝛ Hibnie Rex ꝛ Regina ſidei
ꝛc. Tic. Mod ſaltem Precipe A.B.
de ꝛ ſine dilatione reddat C.D. qua-
deſſuagia quatuor Gardina ducentas
Terre centum Acras Prati treſcentas
Paſture quadraginta Acras Boſci ꝛ
as Acras Jampnorum ꝛ Bruere cum
C. que clamat eſſe jus ꝛ hereditatem
Et in que idem A. non habet ingreſ
niſi deiectionem quam Hugo Hunt inde
ꝛ ſine Judicio fecit pfat C.D. infra
Annos jam ult elaps ut dic Et unde
quod pdict A.B. ei deforc Et niſi
pdict C.D. fec te ſecur de clam ſua
nunc ſum per bonos ſum pdict A.B.
ſit coram Juſtic nris apud Weſtm a
Michaelis in tres ſeptimanas oſten-
quare non fec Et habeas ibi ſum ꝛ hoc
de Teſte nobis ipſis apud Weſtm ꝛc.

It

It is returned thus:

Pleg de pros { Johannes Doe, Richardus Roe.

Sum { Johann. Den, Richard Fen.

R. S. Ar. Vic.

The Form of a Writ of Summons out of Common Pleas.

GUlielmus & Maria Dei gra Angl
Franc & Hibnie Rex & Regina
Defens &c. Vic Wigo Salutem. Sum
lum J. S. (the Vouchee) quod sit coram
stic nostris apud Westm in * Octab
Martini ad warrantizandum A. B. a
Messuagia quatuor Cardina ducentas
Terre centum Acras Prati trescentas
Pasture quadraginta Acras Bosci &
Acras Jampnorum & Bruere cum
C. que C. D. in Cur nostra coram
nostris apud Westm calum ut jus sum
sus dicat A. B. p Breve nostrum de
super dilcionam in le Post. Et unde
A. B. in eadem Cur ulra hoc dicit J. S.

* Note, There were formerly nine Returns between the Return of the Writ of Entry and Return of the Writ of Summons, and so betwixt one Writ of Summons and another: But by the Statute 17 *Car.* 2. c. 6. they are abridged to five Returns inclusive; as for example, Writ of Entry be returnable *Tres Mich* then the Writ of Su must be returnable *Octab. Martini*; if the Writ of Entry *Mas* then the Summons *Quinden Martini*; if the Writ of Entry *Animarum*, then the Summons *Octab. Hill.* accounting the of the Writ of Entry for one, and then the fifth Return Return of the Summons; and so it is betwixt one Summ another.

Com tuo ad Warr versus eum Et ha-
as ibi summ & hoc Breve Teste Geoꝛg
reby apud Westm * vicesimo quarto die
obꝛis Anno Regni nꝛi quarto.

* The first Writ of Summons must bear *Teste* the day from the Return of the Writ of Entry; and so a second mons from the Return of the first.

And it is returned after this manner:

Sund { Johes Denn, Ricus Fenn, } R. S. Ar Mic.

The Returns of the Four Terms.

Tres Mich } a die Sci Michaelis in tres septiman.
Mens Mich } a die Sci Mich in unum Mensem.
Crast. Anim } in Crastino Animarum.
Crast. Mart } in Crastino Sancti Martini.
Octab Mart } in Octab Sancti Martini.
Quind Mart } a die Sci Martini in quindecim dies.

Octab Hill } in Octab Sancti Hilarii.
Quind Hill } a die Sancti Hilarii in quindecim dies.
Crast. Pur } in Crastino Pur beatæ Mariæ Virginis.
Octab Pur } in Octab Pur beatæ Mariæ Virginis.

Quind Pasc. } a die Pasch in quindecim dies.
Tres Pasch } a die Pasch in tres septimanas.
Mens Pasch } a die Pasch in unum mensem.
Quinq Pas. } a die Pasch in quinque septimanas.
Crast. Ascen } in Crastino Ascensionis Domini.

Crast. Trin } in Crastino Sanctæ Trinitatis.
Octab Trin } in Octab Sanctæ Trinitatis.
Quind Trin } a die Sctæ Trin in quindecim dies.
Tres Trin } a die Sctæ Trin in tres septimanas.

The

The Form of a Writ of Summons for the ſecond Vouchee.

WIllus ꝑ Maria (ꝛc.) Vic Vic ſalutem Sum per bonos ſum T. (the ſecond Vouchee) quod ſit coram Juſtic noſtris apud Weſtm in *Craſtino Pur beate Marie Virginis ad warrantizand J. quem A. B. als in Cur noſtra coram Juſtic noſtris apud Weſtm voc ad warr quat tuor Meſuagia ꝛc. (naming the Parcels) cum ptin in C. que C. D. in Cur noſtra coram Juſtic noſtris apud Weſtm clam ut ſ ſuum verſus ꝑdict A. per Breve noſtr de ingreſſu ſuper diſſeiſinam in le Poſt unde idem J. in eadem Cur noſtra ulter voc ꝑdict D. Wi. ſum in Com tu warr verſus eum Et habeas ibi ſum e Breve Teſte G. Treby apud Weſtm ſimo primo * die Novembris Anno Reg noſtri quarto.

* The fifth Return from the firſt Summons Incluſive

* *Teſte* the 4th day from the Return-day of the firſt Summons inclusive.

Sum { Jo. Denn, / Ric. Fenn. } R. S. Ar Vic.

The Form of a Writ of Seiſin.

WIllus ꝑ Maria Dei grā Angl Scot Franc ꝑ Hibnie Rex ꝑ Regina Fidei Defenſ ꝛc. Vic Vic ſalutem Scias quod C. D. in Cur noſtra coram Juſtic noſtris apud Weſtm recuperavit ſeiſinam ſuam verſus

ersus A. B. de quatuor Messuagiis quatuor Gardinis &c. (naming the Parceles) p Breve istrum de ingressu super disseisinam in le ost. Ideo tibi precipimus quod prefat C. enar seisinam de Tenementis predicis cum in sine dilatione habere fac Et qualit hoc crept nostr fueris exact constare fac Justic tris apud Westm *indilate. Et habeas hoc Breve Teste G. Treby apud Westm nto die Febr Anno Regni nri quarto.

* *Indilate*, because not 15 days in *Hill.* Term from the Return of the *Teste*. The *Teste* being the fourth day inclusive from the second Summons, if not Sunday.

The Return of the Writ of Seisin is after this manner:

Virtute istius Brevis mihi direct * decimo die Februarii Anno infrascript ego feci infranominat C. D. plenar seisinam de Tenementis infraspec cum pertinen prout interius mihi precipitur. R. S. Ar Vic.

* Any reasonable day betwixt the *Teste* and Return, so it be not Sunday as is before observed.

The manner of entring these Writs you will find amongst the Presidents of Entries following; as also the Form of a *Mittimus* and *Deamus* spoken of before, and the manner of enting the same.

Proceedings in a Recovery with single Voucher, when the Tenant cometh not in Person but by Warrant of Attorny taken before a Judge.

First draw your Warrant of Attorny in Parchment, as before observed *fol.* 241. thus:

Ebor'

Ebor' ſſ. PRecipe C. D. Arm̃ qõ ſuſte
redd̃at A. B. gen̄ vigint
ſuag̃ & quinq̃ garbina cum ptin̄ in E.
clam̃ &c.

Ebor' ſſ. C. D. Arm̃ põ lõ ſuo &c. G.
Y. J. conjunctim & diviſim
ſus A. B. gen̄ de ptito terre.

Capt & coguit decimo die Auguſti
Anno Regni Domini Willi &
Domine Marie Regis & Re-
gine nunc &c. quarto coram
G. T.

There muſt be alſo a Tranſcript of this Warrant in Paper, to which the Judge ſets his Hand for the Clerk of the Fines.

See before, *fol.* 241, 242.

When the Warrant is acknowledged, ſue forth your Writ of Entry, as is before obſerved, and take a Note of it into the Remembrance, as before, and a Note into the Margin thereof after this manner:

Ebor' ſſ. TEnens in ppr̃ plona voc' C.
Clent &c.

Then you may paſs it at the Bar, as the manner is.

Next prepare for your Entry on the Plea Roll after this manner.

Ebor' ſſ. A. B. gen̄ in ppr̃ plona ſua
vers̃ C. D. Arm̃ vigint
ſtagi

gia ꝛ quinq Garbiaꝝ cum ptiñ in C. ut
ꝛ hereditat suam Et in que idem C. non
et ingressum nisi post disseisinam quam
go Hunt inde injuste ꝛ sine judicio fecit
A. infra triginta annos ꝛc. Et unde
qñ ipsemet fuit seisit de Tenementis
cum ptiñ in dominico suo ut de feodo ꝛ
tempore pacis tẽpore Dñi Regis ꝛ Do-
Regine nunc capiend inde Exples ad
nc ꝛc. Et in que ꝛc. Et inde prodnc
ꝛc.

et pred C. D. p F. G. Attorn suũ vend Tenant calls
iend jus suum quando ꝛc. Et voc inde Common
Marr Edmũ Clent qui presens est hic in Vouchee.
in propr plonã sua Et gratis Tenta Who enters
cum ptiñ ei Marr ꝛc. Et sup hoc pred into Warranty
B. pet vers ipsum Edmũ Tenend per
suam tenta pred cum ptiñ in forma
ꝛc. Et unde dic qñ ipsemet fuit seisit
tis pred cum ptiñ in dominico suo ut
feodo ꝛ jure tempore pacis tempore Dñi
ꝛ Dñe Regine nunc capiend inde ex-
ad valenc ꝛc. Et in que ꝛc. Et inde
duc sectam ꝛc. Et pred Edmus tenens Pleads *non dis-*
Marr suam defend jus suum quando ꝛc. *seisivit.*
dic qñ pred Hugo non disseisivit prefat
de tenẽtis pred cum ptiñ prout idem A. p
ꝛ narr sua pred supius supponit Et de
pon se sup patriam Et pred A. pet li- Demandant
ctam inde interloquendi Et habet ꝛc. imparles.
postea idem A. reven hic in Cur isto eod
termino in propria persona sua Et pred
licet solempnit exact non reven sed Common
contempt Cur resedit Et defalt fecit Vouchee
Ideo makes default.

Judgment and Recovery in value.

Ideo cons̄ eſt qđ pred̄ A. recuper ſeiſ
ſuam vers̄ pfat̄ C. de tentis pred̄ cum
Et qđ idem C. habeat de terra pred̄ Edm
di ad valenciam &c. Et idem Edmus
pia &c. Et ſup hoc idem A. pet̄ bre
Regis & Dñe Regine Vic Com pred̄
genđ de habere faciend̄ ei plenar̄ ſeiſ
de tentis pred̄ cum ptin̄ Et ei conce
retornabile hic a die Scē Trin in tres
timanas Ad quem diem ven̄ hic in Cur
A. in ppr̄ ꝑſon̄ ſua Et vic̄ vidēlt J.
Bar̄ modo manđ qđ ipſe virtute bīs
ſibi direct̄ octavo die Junii ult̄ pterit̄ h
fec̄ pfat̄ A. plenar̄ ſeiſinam de tentis
cum ptin̄ ꝓout p bre illud ſibi precep
fuit &c.

Note, Seiſin may be ſaid to be return'd
reaſonable time betwixt the *Teſte* and retu
the Writ which muſt bear *Teſte* the fourth
from the return of the Writ of Entry.

Next perfect your Remembrance, and
your Exemplification as before directed,
ſeal and file your Writs and Warrants of
torny, &c.

*Proceedings when the Tenant cometh no
Perſon, but by Attorny, when the Recov
is with ſingle Voucher taken by* Dedimus
ſpecial Commiſſioners.

Sometimes the Tenant appeareth not at
Bar in Perſon, but cometh by his Attorny mad
Warrant acknowledg'd before the Chief Ju
Juſtice of Aſſize, or Serjeant at Law, or o
ſpecial Commiſſioners, as before.

For

Form of the Warrant in the Case aforesaid.

Ebor' ss. PRecipe H. C. Ar' qd̄ juste &c. r̄ R. H. vigint' mesuag' & quing' ardina cum ptin̄ in L. que clam̄ &c.

Ebor' ss. HEnr' C. Ar' po. To suo H. B. & Wl. H. conjunctim & divisim ersus R. H. de plito terre &c.

Note, When this Warrant for the Tenant is to be taken before a Serjeant or special Commissioners, then a **Dedimus Potestatem** must be sued forth.

Note, Some hold that a Serjeant may take without a Dedimus, *sed quære.*

The Execution whereof is as before, and a Mittimus and a Writ of Entry; and if it be a single Voucher, then the Note of Entry must be thus:

Petens propr' plona Tenens per Henricum Barbour voc' Humston, (or Joh̄e Wheeler, *i. e.* the Common Vouchee.

Single Vouchee by Dedimus.

Then file the Writ of Entry and Mittimus together, and deliver them with a Remembrance to a Serjeant, and so the Recovery passeth at the Bar. Enter the Mittimus thus in a small hand:

Dominus Rex & Domina Regina mand̄ Justic' suis de Banco hic' brē suum de Mittimus clausum unacū tenore cujusdam Brevis Dēi Pōt' de war' Attorn' recipiend̄ & retorn' ejusd̄ necnon war' Attorn' inde recept' in hec' ūba, Gulielmus & Maria &c. So reciting it

with the Dedimus to the end, and then about an Inch under enter your Recovery in large Hand thus.

Ebor'. ff. R. H. in propria persona sua pet versus H. C. Ar vigint Mes suag (ut ante.) Et pred H. p H. B. Att tozn suum ven & defend jus suum quand &c. Et voc inde ad war Georgium Yumsten qui ps̄ens (ut ante.)

Remember to file your Warrant of Attorny with the Clerk of the Warrants (as before.)

Proceedings when neither the Tenant nor Voucher cometh in Person, but by Warrant of Attorny, when the Recovery is with double Voucher, the Warrants taken before a Judge.

Now when the Recovery is to be with double Voucher, and if neither the Tenant nor Voucher appeareth in Person, then the usual way is for both of them to acknowledge Warrants of Attorny, which if acknowledged before the Chief Justice, or Justice of Assize, the form of them is thus.

Double Voucher by Warrants before a Judge.

Wiltes' ff. Precipe J. W. qd juste &c. red dat R. C. unum mesuag & decem acr' terr' cum ptin in H. & S. quas clam &c.

Wiltes' ff. J. W. p̄ lo. suo A. R. & T. T. Attorn suos conjunctim & di visim versus R. C. de plito terre &c.

Wiltes'

Wiltes' ff. H. Morgan quem I. W. voc̃ ad war̃ p̃ lo suo R. S. & I. P. conjunctim & divisim versus R. E. de p̃lito terre, &c.

Capt & cogñ 10 die August' Anno Regni D̃ni Regis Caroli secundi 14 coram

Orl' Bridgeman,
John Willis,
Henr' Morgan.

When the Warrants are acknowledged, then the Writ of Entry is to be sued forth, and a Note of it taken into the Remembrance, and the Note in the Margin must be in this manner:

Peteñ in p̃opr' p̃soñ Teneñ p A.R. voc̃ Heñ Morgan unde sum̃ in Com̃ p̃d̃ ret̃ Oct̃ Martini.

This is not drawn at the Bar until the return of the Summons. But an Entry must be made upon the Roll of the Demand, and the Count against the Tenant, and the Tenants Voucher over; and the awarding of the Summons against the Vouchee as followeth.

Wiltes' ff. R. E. in p̃opria p̃sona sua pet̃ versus I. W. unum messuagium (ut ante) Et inde p̃duc̃ sectam &c.

Et pred J. p A. R. Attorn suum ven & defend jus suum quando &c. Et voc inde ad war Henricum Morgan sum in Com pred habeant eum hic in Oct Martini p auxilium Cur &c. Idem dies dat est partibus pred hic &c. A Transcript of this must be made, and a Writ of Summons as before. Then file the Writ of Summons to the Transcript with the Warrant, and at the return of the Writ, deliver these thus filed together to a Serjeant at the Bar, and the Recovery will pass the Bar.

The 2d. Entry of a Recovery, when both the Tenant and Vouchee come by Warrant of Attorny.

Wiltes' ff. Richardus Ellis in ppria persona sua pet versus Johem W. unum messuagium & decem acras terre cum ptin in M. & S. ut jus & hereditatem suam Et in que idem Johes non habet ingrm nisi post disseisina quam Hugo Hunt inde injuste & sine judicio fecit pfat R. infra triginta annos &c.

Et pred J. p A. B. Attorn suum vel alias voc inde ad war Henricum Morgan qui modo p sum ei in Com pred fam per W. S. Attorn suum si sit ven Et gratis (ut in ak) Et inde pduc sect &c.

Et pred Henr Tenens p war suam defend jus suum quando &c. Et ulterius voc inde ad war Georgium * Humston qui plens est hic in Cur in ppria plona sua Et gratis (ut ante) to the return of the Writ of Seisin.

* The Common Vouchee.

Pro-

Proceedings in a double Voucher when the Warrants are taken before a Serjeant or ſpecial Commiſſioner by Dedimus Poteſtate.

Double Voucher by Dedimus before Commiſſioners

IF the Warrant for the Tenant and Vouchee be taken before a Serjeant at Law, or before a ſpecial Commiſſioner, then firſt ſue forth a Commiſſion for taking of a Warrant for the Tenant; then ingroſs the Warrant in Parchment, and after the Commiſſion is returned, ſue forth a Mittimus with a Writ of Entry, (&c.) This is not to be drawn at the Bar till the return of the Vouchees Summons, Then an Entry muſt be made of the Mittimus, and of the Demand, Count and Voucher, with Award of Summons againſt the Vouchee, (as when the Warrant is taken before a Judge,) Then a Tranſcript and a Writ of Summons, as when before a Judge; Then a Dedimus Poteſtatem for the receiving the Warrant of Attorny for the Vouchee, as before, and the Warrant to be ingroſſed as before, and the Dedimus Poteſtatem to receive the Warrant for the Vouchee, being returned with a Mittimus thereupon, Proceedings at the Bar, and Entry of the Recovery are as before, when the Writs are taken before a Judge. *See the form of the Entries next following.*

Dedimus Poteſtatem to take a Warrant for the Tenant.

Dedimus Poteſtatem for the Vouchee.

The Form of a Recovery with double Voucher where the Tenants appear by Attorny, and the Vouchers upon Summons, with the manner of entring the Mittimus and Transcript, and Dedimus Potestatem for the Tenants and Vouchees.

The Precipe and Note to be taken into the Remembrance.

Staff. ss. PRecipe Johi Lutwich ser̃ geñ & Radulpho Wreretongeñ quod justè &c. reddant Benjamino Thornbury Ar̃ & Johañ Wroughton generoso ser̃ mesuagium ser gardina viginti acras terre viginti acras prati seraginta acras pasture communiam pasture pro omnibus averiis & communiam turbarie cum pertinenciis in Mayre Cholerton Ecclesiall Darleston & Dunely que clam̃ &c.

Petens in propria persona Tenens per Thom' Hunt & Wl. Wilde voc' Joh'em Lutwich jun' & Editham uxorem ejus sum' in Com' predicto r' Dñi Martini Advarr'.

The Writ of Entry was returnable *Tres Mich.*

After your Commission for the Tenant is returned, and Mittimus and Writ of Entry sued forth; Then you must enter your Mittimus, and the Demand, Count and Voucher with an Award of Summons against the Vouchee upon a Plea Roll, beginning in a small hand thus, *viz.*

Dominus Rex mandavit Justic̃ suis de Banco hic breve suum de Mittimus clausum unacum tenore cujusdam brevis ipsius Domini Regis de Dedimus Potestatem de warranti Attorñ recipiend̃, & Retorñ ejusdem

Necnon

Secnon warrant Attorn inderecept in hec verba Carolus secundus Dei Gratia Anglie Scotie Francie & Hibernie Rex Fidei Defensor &c. Justic suis de Banco salutem teneres &c. And so enter the Mittimus and Transcript of all the Proceedings for the Tenants in a small Hand upon the Plea Roll, beginning with the Mittimus (which is the least of the two Writs, and filed backwards) which having entred *verbatim*, then in one continued Line begin, and go on with the annexed Writ of Dedimus, and do the like to the end of the Caption, coram

A. B.
C. D.

And then begin a new Line, and enter the Count, Voucher and Award of the Summons in great exemplyfying Hand thus, viz.

Staff. ss. BEnjaminus Thornbury Armig & Johannes Broughton generosus in ppriis psonis suis petunt versus Johannem Lutwich seniorem generosum & Radum Brereton generosum ser messuagia ser Gardina viginti acras tre viginti acras prati seraginta acras pasture coiam pasture pro omnibus aliis & coiam turbarie cum ptin in Wayze Cholerō Ecclesiast Warleston & Duneley ut jus & hereditatem suam Et in que iidem Johannes & Radus non habent ingressum nisi post disseisinam quam Hugo Hunt inde injuste & sine judicio fecit pfat Benjamino & Johanni Broughton infra triginta annos &c. Et unde dicunt qd ipsimet fue-

runt seisiti de rentis & communis Pol cum pertin in dominico suo ut de feodo jure tempore pacis tempore Domini Reg nunc capiendo inde exples ad valenciam Et in que &c. Et inde produc sectam &c.

Et pred Johes & Radus p Thom Hunt Att sun vell & defend jus sun quando &c. Et voc inde ad warr Johannem Lutwich Jun & Editham ux' ejus sum in Com pred be beant eos hic in Octab Sci Martini p auxi lium Cur &c. Idem dies dat est partibus pred hic &c.

Next your **Dedimus Potestatem** to receive the Warrant, for the Vouchee being returned, and the Mittimus thereupon made out, and the Recovery passed at the Bar, as is before in this Case observed; then you must make an Entry of your Mittimus, Transcript and whole Recovery either on the same Roll, beginning within an Inch if it will hold it, or begin on another to be joyn'd to it; and you must begin, as before, in small Court Hand to the end of the Caption of the Dedimus, as followeth.

The Form of entring the Mittimus and Transcript for the Vouchees.

Dominus Rex mandavit Justic suis de Banco hic breve suum de Mittimus clausum unacum tenore cujusdam brevis ipsius Dni Regis de Dedimus Potestatem de warrant Attorn recipiend & retorn ejusdd Necnon warrant Attorn inde recept in hec verba Carolus secundus Dei Gratia Anglie

Scocie

ie Francie & Hibernie Rex Fidei De-
z &c. Justic suis de Banco salutem te-
s &c. (And so recite the Mittimus *ver-* All this in
us usq;) Anno Regni nostri vicesimo ter- small Hand.
Beatroft Carolus secundus Dei Gratia
glie Scocie Francie & Hibernie Rex Fidei
fenloz &c. dilecto & fideli suo Thome
itgrave Militi ac dilectis sibi Danieli
yler &c. And so enter the Transcript *ver-*
s, as you are directed, *viz.* in the small
d, and then (leaving about a Thumbs-
dth distance) enter the Recovery in the ex-
fying Hand, as you find it after, *pag.* 267.

first observe the Forms of the War-
of Attorny that were taken in this Re-
y, which are not to be thus entred on the
, but only set here for the better understand-
this President.

Warrant' Attorn' pro tenen'.

ff. PRecipe Johanni Lutwich seniorꝫ
generoso & Radꝰ Bzereton ge-
s quod iuste &c. teneant Benjamino
nbury Armꝫ & Johanni Bzoughton ge-
o ser messuagiꝫ ser gardina viginti acras
seraginta acras pasture coiam pasture
nibus averiis & coiam turbarie cum p-
in Payze Choleton Eccleshal Darleston
uneley que clam &c.

ff. JOhannes Lutwich seniozꝫ genero-
sus & Radus Bzereton generosus
o suo Thomam Hunt & Willm Wilde
conjunctim

conjunctim & divisim versus Benjamin Thornebury Armū & Johannem Broughton generosum de placito terre &c.

Capt & cognit primo die Maii Anno Regni Regis Caroli scdi xviiii coram

A. L.
T. F.
C. H.

Warr' Attorn' pro voc'.

Staff. ff. PRecipe Johanni Lutwich generoso & Raso Brereton generoso quod juste &c. reddant Benjamin Thornbury Armū & Johanni Broughton sex mesuagia sex gardina viginti acras viginti acras prati sexaginta acras pasture pomnibus aliis & coiam barie cum ptin in Mayre Choleton Darleston & Duneley que clam &c.

Staff. ff. JOhannes Lutwich junior generosus & Editha uxor ejus quod Johannes Lutwich generosus & Rasus Brereton generosus voc' ad war' p̄ Io. Sus tum Guy & P. C. conjunctim & divisim Sus Benjaminum Thornbury Armigerum Johannem Broughton generosum de terre &c.

Capt & cognit &c. ut supra.

ſſ. BEnjaminus Thornbury Armig & Johannes Broughton gene- in propriis ponis ſuis petunt verſus annem Lutwich ſeniorem generoſum & um Brereton generoſum ſex meſuagia gardina viginti acras terr viginti acras ſeraginta acras paſture communiam pa- p omnibus averiis & communiam tur- cum ptin in Mayre Choleton Eccle- Darleſton & Muneley ut jus & heredi- ſuam Et in que iidem Johannes & non habent ingreſſum niſi poſt diſſei- quam Hugo Hunt inde injuſte & ſine fecit prefat Benjamino & Johanni ghton infra triginta annos &c. *

Then Recovery to be entred in great exemplifying Hand.

pdicti Johes Lutwich & Radus p Tho- Hunt Attorn ſuum ven & alias voc warr Johannem Lutwich juniorem oſum & Editham uxorem ejus qui modo eis in Com pdicto fact p Robertum Attorn ſuum ſimiliter ven Et gratis & communias pdict cum ptin eis war Et ſuper hoc pdicti Benjaminus & Jo- Broughton petunt verſus ipſos Jo- Lutwich juniorem & Editham tenen ſuam tenta & communias pdict cum in forma pdicta &c. Et unde dicunt qd net fuerunt ſeiſiti de tenementis & com- pdictis cum ptin in dominico ſuo ut ito & jure tempore pacis tempore Dñi nunc capiendo inde exples ad va- am &c. Et in que &c. Et inde produc m &c.

* *Note*, Upon the 2d Count in this ſort of Entry, you go no farther than *triginta annos* &c. and then on a new line you being the appearance of the Tenant continuing in great hand, as in this Preſident.

Et

Et ꝓdicti Johannes Lutwich junioꝛ & C
tha teneñ per war: suam defendꝰ jus su
quando &c. Et ulkius voc inde ad war
mundum Clent qui ꝓtens est hic in
in ꝓpꝛ plona sua Et gratis tenta & t
munias ꝓdict cum ꝓtiñ eis war &c. E
per hoc ꝓdicti Benjaminus & Joha
Bꝛoughton petunt versus ipsum Edmun
tenen ꝑ war suam tenta & communias
dictas cum ꝓtiñ in foꝛma ꝓdicta &c. Et
dicunt qꝰ ipsimet fuerunt seisiti de ten
communiis ꝓdictis cum ꝓtiñ in dñico s
de feodo & jure tempoꝛe pacis tempoꝛe
mini Regis nunc capiendꝰ inde exples a
lenciam &c. Et in que &c. Et inde
lectam &c.

Et ꝓdictus Edmundus tenens per
suam defendꝰ jus suum quando &c. Et
qꝰ ꝓdictus Hugo non dilleiuit ꝓfat
minum & Johannem Bꝛoughton de te
cõmuniis ꝓdictis cum ꝓtiñ ꝑ qꝰ Ben
nus & Johannes Bꝛoughton ꝑ vie & m
tionem sua ꝓdicta supius supponꝰ Et de
ponꝰ se sup patriam &c.

Et ꝓdicti Benjaminus & Johes Bꝛoug
petunt licenciam inde interloquendi
vent &c. Et postea iidem Benjamin
Johannes reveñ hic in Cur isto t
Termino in ꝑꝑtis plonis suis Et p
Edmundus licet solempniter exact non
veñ set in contempt Cur recessit & d
facit Ideo consꝰ est qꝰ ꝓdicti Benjam
& Johannes Bꝛoughton recuperent seis
suam versus ꝓfat Johannem Lutwich te

ãdum de tẽntis & communiis p̃dictis cum
d) Et qꝺ iidem Johannes & Radus ha-
t de terra p̃dictor Johannis Lutwich
ozis & Edithe ad valenciam &c. Et qꝺ
m Johannes & Editha habeant de terra
t Edmundi ad valenciam &c. Et idem
mundus in miſericoꝛdia &c. * Et ſuper
p̃dicti Benjaminus & Johannes Bꝛough-
petunt bꝛe Dñi Regis de habere facι-
ei plenar' ſeiſinam de tẽntis & commu-
p̃dictis cum ptin̄ vic' Com̃ p̃dicti diri-
Et eis conceditur retoꝛnabile hic in-
e &c. Poſtea ſcilt viceſimo octavo die
mbꝛis iſto eodem Termino ven̄ hic in
p̃dicti Benjaminus & Johannes Bꝛough-
in pꝛopꝛ ꝑſon̄ ſuis Et vic' videlt Ri-
ous Creſwell Arm̃ modo mand̃ qꝺ ipſe
te bꝛevis p̃dict' ſibi direct' 25 die Nov.
Rlit habere fac' ꝓfat' Ben̄ & Jo. B. ple-
ſeiſinam de tẽntis & communiis p̃dict'
ptin̄ pꝛout p bꝛe illud ſibi pꝛeceptum
&c.

* Thus far in great Hand, and then on the ſame line write on in ſmall Hand, *Et ſuper hoc* to the very end.

his is the form of Entry and Proceedings, n the Warrants both for Tenant and chee are taken by Dedimus; But if your Te- appear'd in Perſon, or on a Warrant taken e a Judge, and the Vouchee upon a Sum- s by Warrant taken by Dedimus, then make your Entry on the Plea Roll after this ner, *viz.*

uſt you begin in great exemplifying Hand

Cornub'

Ret' 15 Paſch. Cornub' ff. A. B. in propria perſona ſua pet verſus C. D. gen' in meſuag &c. to the end of the Count Et i produc' lectam &c.

Et pdict C. p F. G. Attorn' ſuum &c defend' jus ſuum quando &c. Et voc' i ad warr' J. S. ſum' in Com' pdict habeat hic Cro Aſcens' Domini per auxilium &c. &c. idem dies dat' eſt partibus pdict hic

Then you may on the ſame Roll within Inch begin to enter the Mittimus and Tranſ in a ſmall Hand thus,

DOminus Rex & Domina Regina &c. as before to the end of the Capi rotam nobis W. B. R. P. R. S.

Then within an Inch begin in great ex plifying Hand, and ſo continue to the en your Recovery thus,

Sum' ret' Cro' Aſcen'. Cornub' ff. A. B. in propr' pſona ſua verſus C. D. gen' unum ſuagium &c. as before to the words inſa ginta annos &c. Then beginning a new l write,

Et pdict C. p F. G. Attorn' ſuum &c & als voc' inde ad warr' J. S. qui non p ſum' ei in Com' pdict fact' p R. G. rotam ſuum ſcilicet ven' Et gratis da pdict cum pt'in' ei warr' &c. Et ſup pdict A. pet' vers' ipſum J. S. tenen warr' ſuam tenta pdict cum pt'in' in fo

Pl

ict &c. Et unde dicunt (&c. as before to end of the Count) Et inde ꝓdunc &c.

Et ꝓdict J. S. tenens ꝓ warr suam de- jus suum quando &c. Et ulius voc ad warr [Johen Wheeler, or such other uchee as is next] and so go on in great Hand wards the end of the Recovery until these ds Et *idem Johes in mia &c. And on the same line begin in small Hand ſuꝑ hoc ꝓdict A. pet bre Dñi Regis & Regine de habere faciend ei plenar am (&c. as in others to the end, ꝓout illud sibi ꝓceptum fuit &c.

This shall suffice to shew you the nature of Proceedings and Entries when by Dedimus testatem.

And as for the Exemplifications of these Re- ries, you must begin them thus,

Wlielmus & Maria Dei Gratia Angl Scot Franc & Hibnie Rex & Re- Fidei Defensor &c. omnibus ad quos tes litere nre ꝓvenerint salutem Scia- int placita fre irrotulata apud Westm n G. T. Mit & sociis suis Justic nris de co de Termino Anno Regni nri ulo continetur sic.

aub' ss. A. B. in ꝓpr ꝑsona sua pet vers C. D. unum mesuagium &c.

ou find it intire on the last Entry taking no ce of the Mittimus and Transcript of the imus. See before for the Form of an Exem- cation, and the Instructions for the conclu- thereof.

Pro-

* *Note*, It is now *Et idem Johannes in mia'* &c. *Johh Wheeler* being the Common Vouchee.

Setting forth the Term and Year, and number Roll.

Quere of this.

Proceedings upon a Recovery with double V cher, when the Tenant cometh in perſon a prayeth Summons againſt the Vouchee, a appeareth by Warrant of Attorny taken be a Judge.

* Obſerve the Form of entring this Summons and Warrant of Attorny.

Where the Tenant cometh in perſon to t Bar, and voucheth, and the Vouchee is not p ſent, there the appearance of the Tenant is corded, and a Summons prayed and awar againſt the Vouchee; and thereupon the T nant may put in a Warrant of Attorny at Bar to appear for him at the Return of the S mons; in which caſe the Writ of Entry is made and a note of it is to be taken (as in Caſes) into the Margin of the Remembranc this manner: *viz.*

Petens in propria perſona ſua tenens in propria perſona ſua voc' W. B. unde ſum' in Com' predict' retorn' Craſtino Trin' Et ſuper hoc predict' H. po. lo. ſuo Henric' G. & W. B. conjunctim & diviſim verſus predict' Tho. de predict' placito.

Devon. ſſ. P Recip W. juſte &c. redd G. unum Meſu decem Acras T cum pertinen in que clam &c.

Notanda. *Note*, That a Writ of Summons muſt be r turnable the fifth Return next after the Re of the Writ of Entry, accounting the Return the Writ of Entry for one of the five, and

Re

eturn of the Summons for another, and ſo the
e Returns are incluſive.

Then muſt the Remembrance be delivered
a Serjeant at the Bar who will make the De-
nd, and count againſt the Tenant, and ano-
er Serjeant will be for the Tenant, and vouch
d pray a Summons againſt the Vouchee.

Then an Entry muſt be made upon the Roll
the Demand and Count and Voucher, and
ard of the Summons in this manner.

von' ff. Thomas G. in propria perſo-
na ſua pet verſus Henr' W.
m Peluagium (ut antea) Et inde pduc
m ec.

Et predictus Henricus in propria perſona
ven & defend jus ſuum quando ec. Et
inde ad war A. B. ſum in Com pdict
eat eum hic in Cto Trin per auxili-
Cur ec. Idem dies dat eſt partibus pre-
hic ec. Et ſuper hoc pdict Henr po. lo.
H. G. & A. R. conjunctim & diviſim ipſus
L. de pdict plito ec.

A Tranſcript of this Entry muſt be made in
chment, and then a Writ of Summons muſt
made againſt the Vouchee; the Form where-
I have before ſet down together with the
eturn.

Note, When a Recovery is to paſs at the
, and the Tenant is ready at the Bar, and
re voucheth to warranty *A.* for whom
e is ready at the Bar by his Warrant of At-
rny; this is void, for in ſuch Caſe he ought

to appear in perſon, becauſe without Summon
but where Summons iſſueth and is entred on
Roll there he may appear at the day in perſon
1 Leon. c. 104. by Attorny at his choice.

Obſervanda. The next thing is to prepare for the A
pearance of the Vouchee at the Return of t
Summons. The Vouchee may appear in pe
ſon if he will; but the uſual way is for him
come by his Attorny. The Warrant of Att
ny may be acknowledged before the Lord Ch
Juſtice of the Common Bench, or Juſtices
Aſſize in the County where the Land lieth,
before a Serjeant at Law, or before ſpecial Co
miſſioners authorized by a Commiſſion or W
called a *Dedimus Poteſtatem*, as before is obſer

A Warrant of Attorny for the Vouchee taken
fore a Judge.

Devon' ff. Præcipe H. W. quod ſuſte
T. T. unum Meſuagium
rem Act cum ptin in C. que clam ꝛc.

Devon' ff. A B. quem H. W. voc ad
po. lo. ſuo J. M. & T. A.
ſunctim & diviſim verſus T. G. de pla
Terre ꝛc.

The Warrant being ſigned by the Vouch
and acknowledged, then the Judge ſubſcrib
his Name; and then the Clerk of the Fi
maketh the Tranſcript of it in Parchme
whereunto the Judge putteth his hand, and
the Clerk delivers it to the Party or his Atto
ny, after which you muſt file the Tranſcri

of the Summons and the Writ together, and at the Return of the Writ deliver them to a Serjeant at the Bar, and ſo the Recovery paſſeth: The Entry of it is in this Form:

Entry of Summons for the Vouchee.

ALias ꝓout patet Termino Paſche ult ꝓterit Rotulo ꝯl. continet ſic Dem ſ. Thomas G. in ꝓpria perſona ſua ꝯt verſus Henric W. unum Meſuagium (and ſo recite the Tranſcript) verſus ꝓfat Thomam de ꝓdict ꝑtito ꝛc. Et modo hic hunc diem ſcilt ꝑdict Craſtin Trin ven ꝑdict Thomas quam ꝑdict H. ꝑ Henric G. Attorn ſuum Et ꝑdict A. ſum ꝛc. per hem H. Attorn ſuum ſcit ven Et gratis (ut ante) Et inde ꝓduct ſect ꝛc.

Et ꝑdict A. teneus per Mar ſuam defend ſuum quando ꝛc. Et ulterius voc inde Mar G. Hamſton qui ꝑſens eſt hic in cur in ꝓpria perſona ſua Et gratis (ut ante ꝛc.) to the end of the Return of the Writ of Seiſin.

In this caſe of a Recovery by Summons, the Writ of Seiſin muſt bear *Teſte* the fourth day next after the Writ of Summons, then ſign and ſeal your Writ of Summons and Seiſin, and file them, and file the Warrant of Attorny with the Clerk of the Warrants; the Writ of Entry muſt be filed in time.

Next prepare your Exemplification.

Proceedings in a Treble Voucher when neither the Tenant or either of the Vouchees come in Person but by Warrants taken before a Judge.

When the Recovery is to be with treble Voucher, and neither the Tenant nor Vouchee do intend to come in person to the Bar; Then they must put in Warrants of Attorny.

When the Warrants are to be taken before the Chief Justice or Justice of Assize: The Form of the Warrant is thus:

For the Tenant. Lincoln' ss. Pone Edo W. qd juste &c. Willo G. verem Petuam cus ptin in D. que clam &c.

Lincoln' ss. Edus W. po. lo. suo J. L. & J. A. conjunctim & divisim &c. sus W. G. de plito Terre &c.

For the first Vouchee. Lincoln' ss. J. D. quem E. W. vocat ad warr. po. lo. suo J. S. & W. B. conjunctim & divisim versus W. G. de placito Terre &c.
Capt &c.

For the second Vouchee. Lincoln' ss. C. D. quem J. D. vocat ad warr. po. lo. suo W. T. & J. C. conjunctim & divisim versus W. G. de plito Terre &c.

When the Warrants are thus taken, then sue forth the Writ of Entry and take it in the Remem-

Remembrance, with this Note in the Margent.

Petens in propria persona tenens p J. L. vocat J. D. unde sum in Com Pleit i Cro Martini. Observe that in this Case, the Writ of Entry was returnable, Tres Trin riv. Car. ij.

Then without drawing at the Bar, an Entry must be made of the Demand, Count, Voucher and award of Summons against the first Vouchee in this manner,

Lincoln' ss. W. G. in propria persona sua pet versus E. W. decem Messuagia (ut ante reciting the Demand or Declaration to the end) Et inde vouc' fect &c.

The first Summons Roll *Trin.* Term.

Et postea E. p J. L. Attorn' suum ven & defend jus suum quando &c. Et vocat inde ad warr J. D. sum in Com prædict habeant eid in Cro Sti Mart p auritum Cur &c. Eodem die dat est partibus Pleit hic &c.

Appearance of Tenant and Award of Summons against the first Vouchee, returnable *Craſt. Mart.*

Then the Transcript must be made, and the Writ of Summons against *J. D.* and at the Return thereof, without taking any thing into the Remembrance, or doing any thing in the Court, another Entry must be made with the award

Note, That here the Tenant appeared by Attorny, but when he appears in person at the Return of the Summons in person, then there must be a Warrant of Attorny for the Tenant entred upon the first Summons Roll, as you may see in the next President. See before for the Writ of Summons and see after *pag.* 281.

of Summons against the second Vouchee in this manner, upon the second Summons Roll; for you must due Entries make on Record of all your Proceedings as you go on.

The second Summons Roll *Mich.* Term.

ff. Alias prout patet Termino Sĉe Trin ultimo preterito Rotulo C. continetur sic Lincoln ff. W. G. in propria persona sua petit versus E. W. decem Vesuagia (and so take in the whole Record of Trinity Term) Inde dies dat est partibus predict hic &c. Et modo hic ad hunc diem scilicet predict Cro Sancti Martini ven tam predict W. in propria persona sua quam predict E. per Attorn' suum predict Et predict J. sum &c. per J. S. Attorn suum sibi ven & gratis Vesuag & Tenementa predict cum ptin ei war &c. Et sic voc predict W. G. pet versus ipsum J. D. tenen p war suam Vesuag & Tenementa predict cum ptin in forma predict &c. Et unde dic ipse fuit seisit de Vesuag & Tenementis predict cum pertinen in dominico suo ut de feodo & jure tempore pacis tempore Domini Regis nunc capien inde exples ad valentiam &c. Et in que &c. Et inde produc sectam &c.

Appearrance of the first Vouchee and Count.

Et predict J. D. tenen p war sua defend jus sum quando &c. Et ulterius voc inde ad war C. D. sum in Com pd habeat cum hic a die Sĉi Hil in quindecim dies p aurilium Cur &c. Idem dies dat est pribus predict hic &c.

Summons for the second Vouchee returnable *Quinden. Hill.*

Observanda. Then make a Transcript of this Entry and a Writ of Summons against *C. D.* the 2d Vouchee, Returnable *Quind. Hil.* See before for the Writ of Summons for the second Vouchee. This

This Writ must bear *Teste* the fourth day next after the Return of the former Writ of Summons against the first Vouchee, and must be returnable the fifth Return next after inclusive.

Then file the Transcript and this second Writ of Summons, (the former Writ of Summons, and Writ of Entry being filed with the *Custos Brevium*) with the Warrants of Attorny together, and at the Return of the Summons, deliver all to a Serjeant at the Bar, and the Recovery passeth.

When all this is done, the Recovery must be entred thus, on a third Roll as of Hillary Term.

Alias prout patet Termino sancti Michis ult preterit Rotulo xl. continetur sic Alias prout patet Termino Sancte Trinitat ultimo preterit Rotulo C. continetur sic Lincoln ss. (and so take in the whole Record of *Michaelmas* Term) Quem dies datus est partibus p- * As you may observe by the next Precedent
dict hic etc. Et modo hic ad hunc diem scilt dict xv. Sancti Hillarii ven tam pdict Willus in propria persona sua quam pdict Corus e Jones p Attorn suos pred Et pdict Cornelius sum etc. per Willum T. Attorn suu similiter ven e gratis (ut ante) Et inde pduc sectam etc.

Et predict Cornelius tenens per war sua defend jus suum quando etc. Et ulterius hoc inde ad war Edmund Clent qui presens est hic in Cur in propria persona sua Et gratis Tenementa pdict ei war etc. Et super hoc pdict W. G. petit versus ipsum Second Vouchee appears and vouches over the Common Vouchee.

Demand against the Common Vouchee.

E. C. Tenend p war suam Tenemta pdict cum pertin in forma predicta &c. Et unde dicit qd ipse fuit seisit de Tenemtis pdict cum pertin in dominico ut de feodo & jure tempore pacis tempore Dñi Regis nunc capiend inde exples ad valentiam &c. Et inde que &c. Et inde produc sectam &c.

Common Vouchee pleads to the Country.

Et pdict E. tenens p war suam defendit jus suum quando &c. Et dicit quod predict Hugo Hunt non disseisivit predict Wm. G. de Tenementis pdict cum pertin prout idem Wm. G. p Breve & Narr sua pdict superius supponit Et de hoc pon se super patriam &c.

Demandant imparls.

Et pdict Wm. G. per licentiam inde interloquendi Et habeat &c. Et postea idem Wm. G. revend hic in Cur in propria persona sua Et pdict Edmus licet solempnit exact non revend sed in contempt Cur recessit Et se fefellit fac. Ideo cons est qd pdict Wm. G. recupt seisinam suam &c. plus pfat E. Wm. de Tenemtis pdict cum pertin Et qd idem E. Wm. habeat de Terra pdict J. D. ad valentiam &c. Et quod idem J. D. ulterius habeat de Terra pdict C. D. ad valenc &c. Et qd idem C. D. ulterius habeat de Terra pd Edmd ad valentiam &c. Et quod idem Edmd in mia &c. Et super hoc predict Wm. G. per Breve Dñi Regis Vic Com pdict dirigend de hac vice habere faciend ei plenar seisinam de Tenemtis pdict cum pertin Et ei conceditur retornabile hic * indilate Postea scilt duodecimo die Febr isto eodem Termino venit hic in Cur predict Wm. G. in propria plona sua Et Vic videlt A. B. Mil modo mand qd ipse virtute Brevis ill

Judgment and Recovery in value.

Writ of Seisin awarded and returned.

* *Indilate*, because not 15 days between the *Teste* and the end of the Term.

ſibi direct nono die Februarii ult preterit
ere fac predict W. G. plenar ſeiſinam
Tenementis predict cum prtin put p Breve
ei ſibi preceptum fuit &c.

Demandant comes into Court the laſt day, of the Term, and the Sheriff returns that Seiſin was delivered 3 days before.

Another Entry of a Recovery and Proceedings with treble Voucher upon Warrants taken before a Judge.

or ſſ. T. W. & R. M. Armig in propr perſonis ſuis pet verſus G. R. Armig & W. B. Gen Manerium de R. cum (&c.) Et in que idem G. & W. non ent ingreſſum niſi poſt diſſeiſinam quam go Hunt inde injuſte & ſine judicio fecit T. W. & R. infra triginta annos jam elaps &c. Et unde dic qd ipſimet fuer de Maner & Tenementis predict cum prtin minico ſuo ut de feodo & jure tempore tempore Dni Regis nunc capiend inde ad valentiam &c. Et in que &c. Et pduc ſectam &c.

First Summons Roll of *Mich.* Term.

The Writ of Entry was returnable *Quinden. Martini.*

Pdict G. & W. in propriis plonis ſuis & defend jus ſuum quando &c. Et voc ad war R. C. Uxō habeant eam hic in Cur beate Marie Virginis Et ſunt Cord pdict p auxilium Cur &c. Idem dies eſt partibus pdict hic &c. Et ſuper hoc dict G. & W. po. lo. ſuis C. B. & E. G. prid ſuos conjunctim & diviſim ſlus pfat & R. de pdict plito &c.

The Tenants appear this Term in perſon at Bar.

Note, Although the Tenants appeared in Court at the acknowledgment at Bar; yet if they

they appeared not alſo at the Return of the Sum
mons in Perſon there muſt be a Warrant of A
torny for the Tenants entred upon the fi
Summons Roll, as is afore obſerved. And al
upon the Remembrance under the Precipe
the Writ of Entry of the ſame Recovery, w
muſt enter a Warrant of Attorny for the Te
nants thus,

Ebor' ſſ. G R. Armiger & W. B. Gen
lo. ſuis C. B. & E. G. Attor
ſuos conjunctim & diviſim verſus T. W
R. P. Armig de pſito Terre.

Greenwo

At the Return of the Summons being O
Pur', as above, if the ſecond Vouchee ap
by Warrant of Attorny, you muſt make
ther Writ of Summons for the latter Vou
returnable the fifth Return after the Retu
the firſt Summons and *Teſte* of the Retu
the firſt Summons, for one Writ will not
for both. The Form of the Entry thereo
on the ſecond Summons Roll followeth:

In the Interim file your Writ of Entry
firſt Summons with the *Cuſtos Brevium*,
then you muſt prepare Warrants of Attorny
the Vouchees to be taken before a Judge
this manner.

For the firſt Vouchee.

Ebor' ſſ. A C. Vidua quam G. R. Ar &
B. Gen voc ad war po. lo. ſu
I. D. & B. W. Attorn ſuos conjunctim &
viſim vſus T. W. & R. P. Armig de pſ
Terre.

And

And for the second Vouchee.

ſſ. G. Y. Gen̄ quem A. C. Uiū voc̄ ad war̄ po. lo. ſuo I. S. & B. Actorn̄ ſuos conjunctim & diviſim ō. T. W. & R. Y. Ar de pl̄ito Terre. For the ſecond.

& cognit̄ tertiodecimo die rtii Anno Regni Regis Car ni Angl̄ &c. decimo ſeptimo am me T. T.

Entry on the ſecond Roll.

Lias p̄out patet Termino ſc̄i Mich̄s elis Anno Regni Dñi Regis nunc octavo Rot̄ lvj. continetur ſic Ebor ſſ. W. & R. Y. in p̄priis perſonis ſuis gt filius G. R. Ar & W. B. Gen̄ Pa. um de R. cum pertin̄ ac decem Meſſ. giginti Acr̄ Terre cum pertin̄ in R. ut hereditat̄ ſuam Et in que iidem P. & non habent ingres̄ niſi poſt diſſeiſinam Hugo Hunt injuſte & ſine judicio fecit T. W. & R. Y. infra triginta annos Et unde dic̄ quod ipſimet fuer̄ ſeiſit de nerio & Tenementis p̄dict̄ cum pertin̄ in inico ſuo ut de feodo & jure tempore pa. tempore Dñi Regis nunc capiend̄ inde les̄ ad valentiam &c. Et in que &c. Et produc̄ ſectam &c.

Et p̄dict̄ G. & W. in p̄priis p̄ſonis ſuis & defend̄ jus ſuum quando, &c. Et hoc ad war̄ A. C. Uiū habeant eam hic in Octab

The ſecond Summons Roll of *Hill.* Term reciting the Proceedings in *Mich.* Term on the firſt Summons Roll and awarding a Writ of Summons againſt the ſecond Vouchee, returnable *Quinque Paſch.*

Octab Sancti Martini in Com̃ ꝓdict p[ar]
ilium Cur ꝛc. Idem dies dat est part[es]
ꝓdict hic ꝛc. Et super hoc ꝓdict G. & [W.]
ponunt locis suis C. B. & E. G. conjunc[tim]
& divisim versus ꝑfat T. WW. & R. de [Pl.]
plito ꝛc. * Et modo hic ad hunc diem [ven]
ꝓdict Octab Sancti Martini ven̄ ꝓdict [T.]
R. in ꝓpr̃ijs ꝑsonis suis quam G. & [W.]
p C. B. Attorn̄ suũ ꝓdict Et ꝓdict A. [non]
ꝛc. per J. D. Attorn̄ suum ven̄ Et [ꝓfert]
Manerium & Tenementa ꝓdict cum ꝑtin[en]
war ꝛc. Et super hoc ꝓdict T. WW. [&]
pet versus ipsam A. tenen̄ per war' [sua]
Maneria & Tenementa ꝓdict cum ꝑtin[en]
forma ꝓdict ꝛc. Et unde dic' quod ip[se]
fuer' seisit' de Manerio & Tenemẽtis ꝓ[di]
ctis in dominico suo ut de feodo & jure
poze pacis tempore Domini Regis
capiendo inde exitꝰ ad valentiam ꝛc.
que ꝛc. Et inde ꝓduc' testam ꝛc.

Et ꝓdict A. tenens p̃ war' suam [de]
jus suum quando ꝛc. Et ulterius voc[at]
ad war' G. B. Qui ven̄ habeat eum hic
Pasch' in quinq; septimanas Et [in]
Com̃ ꝓdict p̃ auxilium Cur ꝛc. Idem
dat ei tam ꝑfat W. & R. G. & WW. quam
fat A. hic ꝛc.

* Here ends the Recital of the first Summons Roll of *Mich.*

Appearance of, and demand against the first Vouchee.

Defence of the first Vouchee and Summons for the second returnable *Quinq; Pasch.*

Make your Transcript of this Entry, a[nd]
Writ of Summons return in *Craft in Pur*[ch.]
file your Transcript and last Writ of Summ[ons]
with the Warrants of Attorney together, [and]
at the Return of this last Summons deliver th[em]
all to a Serjeant at the Bar, and so the Recov[ery]
passeth. The

Then make out a Writ of Seisin, and pre-
for a third Entry of your whole Proceed-
and Recovery on a Roll as of *Easter* Term,
begin it thus, *viz.*

Third Roll of *Easter* Term whereon is entred (by *Alias prout patet*) the whole Entry of *Hill.* Term. The appearance of the second Vouchee, and of the common Vouchee, the Default, Judgment, Writ of Seisin and Return.

Alias prout patet Termino Sancti Hil-
larii Anno Regni Dñi Regis nunc de-
octavo Rotlo 39. continetur sic Alias
patet Termino Sancti Mich Ann Regni
Regis nunc decimo septimo Rot 56.
netur sic Ebor ſ. T. W. & R. P.
propriis personis suis pet versus G. R.
& W. B. Gen Manerium de R. cum
ind ac decem Mesuagia ac viginti Act
re cum pert in R. ut jus & hereditatem
Et in que iidem G. & W. non ha-
ingressum nisi post disseisinam quam
o Hunt inde injuste & sine Judicio fecit
ſ T. W. infra triginta annos &c. Et
dic qd ipsimet fuer seisit de Manerio
enentis pdict cum pertin in dominico
m de feodo & jure tempore pacis tempore
Regis nunc capiendo inde exples ad va-
iam &c. Et in que &c. Et inde pro-
sectam &c.

Et predict G. & W. in propriis perso-
suis ven & defend jus suum quando
Et voc inde ad war A. C. Uiō habeant
in Octab Pur beate Marie Virginis
in Cond pdict p auxilium Cur &c. I-
dies dat est partibus pdict hic &c. Et
per hoc pdict G. & W. ponunt in locis
C. B. & E. G. conjunctim & divisim &
plat T. W. & R. P. de pō p̄lito &c. Et

modo

modo hic ad hunc diem scilt pred̄ict D
Pur̄ beate Marie Virginis ven̄ tam p
T. W. & R. M. in propr̄ plonis suis q
pdict G. & W. p C. B. Attorn̄ suum
pdict A. sum̄ &c. p Attorn̄ suum sic
Warranty. Et gratis Manerium & Tenem̄ta pdict
ptin̄ ei war̄ &c. Et sup hoc pdict T.
& R. M. pet̄ vlus ipsam A. tenen̄ p
suam Manerium & Tenem̄ta pdict cum
in forma pdict &c. Et unde dic̄ quod
met fuer̄ seisit̄ de Manerio & Tenem̄
pdictis cum ptin̄ in dominico suo ut de
& jure tempore pacis tempore D̄ni
nunc capiend̄ inde exples ad valentiam
Et in que &c. Et inde produc̄ sectam

Et pdict A. tenens p war̄ sua defend̄
suum quando &c. Et ulterius voc̄ in
war̄ G. H. Gen̄ habeat eum hic a die
in quinq̄ septimanas sum̄ in Com̄ pd
auxilium Cur̄ &c. Idem dies dat̄ est
pfat̄ T. & R. G. & W. quam pretat̄ A.
* Here ends the Recital of of *Hill.* Roll. &c. * Ad quam diem hic ven̄ tam pr
T. W. & R. M. in propriis persons
quam pdict G. & W. & pdict A. p At
suum pdict Et pdict G. H. modo sum̄
Warranty. per J. S. Attorn̄ suum sic̄ ven̄ Et gr
Demand against the 2d Vouchee. Maneria & Tenementa predict cum pe
ei war̄ &c. Et super hoc predict T.
R. M. pet̄ versus ipsum G. tenen̄ per
suam Maneria & Tenem̄ta predict cum
in forma pdict &c. Et unde dic̄ q̄d ip
fuer̄ seisit̄ de Manerio & Tenementis
cum ptin̄ in dominico suo ut de feodo
tempore pacis tempore D̄ni Regis nunc

pie

ens inde erples ad valentiam &c. Et in
&c. Et inde prouc sectam &c.

Et predictus G. tenens per War suam
ens jus suum quando &c. Et ulterius voc
ad War Edmundum Client qui simili-
presens est hic in Cur in propria plona
& gratis Manerium & Tenementa pdict
pertin ei war &c. Et super hoc pdict
W. & R. M. per ffius ipsum E. tenend p
suam Manerium & Tenementa pdict cum
in forma predicta &c. Et unde dic qd
met fuer seisit de Manerio & Tenementis
cum ptin in dominico suo ut de feodo &
tempore pacis tempore Dni Regis nunc
ens inde erples ad valentiam &c. Et in
&c. Et inde pouc sectam &c.

Et predict Edmundus tenens p War sua
ens jus suum quando &c. Et dic qd pdict
go Hunt non dissejvit pfat T. W. & R.
de Manerio & Tenementis pdict cum per-
pront idem T. W. & R. M. p Breve &
rationem sua predict supius suppon Et
hoc pon se sup patriam &c.

Et predict T. W. & R. M. per licentiam
interloquendi & habeant &c. Et postea
em T. W. & R. M. reven hic in Cur in
priis plonis suis & pdict Edmundus licet
mpniter exact non reven set in contempt
recessit & defalt fac Ideo consideratu
quod pdict T. W. & R. M. recuperent
nam suam ffius pfat G. & W. de Pane-
& Tenementis pdict cum ptin Et quod
m G. & W. habeant de Terra pdict A.
valentiam &c. Et qd eadem A. ulterius
habeat

Second Vouchee vouches over common Vouchee.

Warranty by and Demand against the common Vouchee.

Common Vouchee pleads to the Country.

Demandants imparle.

Common Vouchee makes default.

Judgment and Recovery in value.

habeat de Terra ꝓdict G. H. ad valenti
et. Et quod ꝓdict G. H. ulterius habeat
Terra ꝓdict Edmundi ad valenciam &c.
Misericordia. idem Edmundus in mia &c. Et sux hoc
dict T. W. & R. H. pet Breve Dni R
Vic Com ꝓdict dirigend de habere fact
eis plenariam seisinam de Manerio & T
Writ of Seisin awarded returnable *indilate* because not 15 days betwixt the *Teste* and Return. nentis ꝓdict cum pertin Et eis concedi
retornabile hic indilate Postea scit nono
Mail ille eodem Termino ven hic in
ꝓdict T. W. & R. H. in propriis pe
suis Et Vic videt T. L. Mil modo m
quod iple virtute Brevis ill sibi direct
timo die Mail ult pterit habere fecit p
T. W. & R. H. plenariam seisinam de
nerio & Tenentis ꝓdict cum ptin ꝓout
Breve illud sibi preceptum fuit &c.

Next prepare for your Exemplification
others.

Note, These Warrants in case of
Voucher, may be taken by special Commis
one for the Tenant, (if necessary) and
ther for the Vouchees, and then Entries
be made according to the former Direction
Mittimus, &c.

The Form of a Recovery by Als ꝓout p
with double Voucher, where the Tenant
pears in person, and the Vouchee by
torny.

Second Roll of *Hill.* Term. Hill 23 & 24 Car secundi Regis R
62. cum Wyley. Alias put p
Termino Sancti Michaelis ult pterit R

Writ of Entry returnable *Quind. Mart.*

tentinetur ſic Northt ſ. A. D. Gen in
ia plona ſua pet Dius W. A. unū Meſuag
Gardina tres Acr Terr vnus Acr Paſtur
Caiam Paſtur & oibus Aiis rit ptin in
ncelles ut ius & hereds ſuum Et in que
m W. non habet ingreſſum niſi poſt diſ-
ſinam quam Hugo Dyne inde iniuſte &
e judicio fecit pfat A. infra triginta annos
Et unde dic quod ipſemet fuit ſeiſit de
uementis & Communia pred cum ptin
dominico ſuo ut de feodo & jure tempore
is tempore Dni Regis nunc capiend inde
ſes ad valenciam &c. Et in que &c. Et
pdc ſectam &c.

Summons returnable *Octab. Pur.* Warrant of Attorny for the Tenant.

Et predictus W. in propria plona ſua ven
ens jus ſuum quando &c. Et vocat inde
vat J. A. Vicuam ſuam in Cond pdict
eat eam hic in Octabis Purificationis bte
rie & exitium Cur &c. Idem dies dat
partibus Datis hic &c. Et ſuper hoc pe
us W. pd. de ſuo T. P. & R. G. Attorn
ſuis conjunctim & divitim verſus pfat A. de
ſi placito &c. Ad quem diem hic ven tam
dict A. in propria plona ſua quam pdict
W. p pdict T. Attorn ſuum. Et predicta
ſuum &c. per R. G. Attorn ſuum dicit ven
gratis Tenementa & Communiam pdict
m ptin et vat &c. Et ſuy hoc petitus A.
dſus ipſam J. tenen & vat ſuam Te-
menta & Communiam pdict cum ptin in
ma Datta &c. Et unde dic quod ipſemet
ſeiſit de Tenementis & Communia
dict cum pertinen in dominico ſuo ut de
da & jure tempore pacis tempore Dni

Regis nunc capiendo inde exples ad valent
ꝛc. Et in qua ꝛc. Et inde ꝓnt lectam ꝛc.
Et ꝓdicta F. tenens ꝑ War suam
fend sus sum quando ꝛc. Et ulterius
inde ad war Communem Clent qui similit
Common Vouchee. ꝓdens est hic in Cur in ꝓpria persona
& gratis Menementa & Communiam ꝓd
cum ꝓtin di nat ꝛc. Et super hoc ꝓdict
ꝑt plus ipsam Communem tenend ꝑ
sam Menementa & Communiam ꝓdict
ꝓtin in forma ꝓdict ꝛc. Et unde dic
ipsemet sun sesit de Tenementis & Co
munia ꝓdict cum ꝓtin in dominico suo
feodo & jure tempore pacis tempore
Regis nunc capiendo inde exples ad
lentiam ꝛc. Et in qua ꝛc. Et inde ꝓnt
lectam ꝛc.

Non disseisivit Et ꝓdictus Communons tenens ꝑ War
defend jus sum quando ꝛc. Et dicit quod
dict Hugo non disseisivit ꝓdict A. de Me
mentis & Communia ꝓdict cum ꝓtin
idem A. ꝑ Brev & Narrationem sua ꝓ
superius suppon Et de hoc pon se sup
triam ꝛc.

Et ꝓdictus A. ꝑt licentiam inde interl
quendi Et habet ꝛc. Et postea idem A.
reven hic in Cur isto eodem Termino
Default by common Vouchee. ꝓpria ꝓsona sua Et ꝓdictus Edmundus
ret solempniter exact non reven set in c
temptum Cur recessit & defalt facit
consideratum est quod ꝓdict A. recuper
Judgment and Recovery in value. sinam suam plus ꝓdict W. de Menementis &
Communia ꝓdict cum ꝓtin Et quod idem
W. habeat de Terra ꝓdict F. ad valentiam

ꝛc.

Et qd eadem J. ulcerius habeat de terra ... Edmundi de valenciane &c. Et idem ... mundus in mia &c. Et sup hoc petitus ... petit breve Dñi Regis &c. Cuius petitus ... igend de habere faciend ei plenar seisi... de tenciis & communia pois cum pti... et conceditur recognitore hic a die Pasche ... quindecim dies &c. Ad quem diem hic ... petitus A. in propria persona sua Et vicelicet Wm. Bl. (Pilles modo mand qd ipse ... nute brevis petitus ubi diceri audeetimo die ... preti ulr preter habere facti petitr A. plenam seisinam de tenciis & communia petitis ... pti put p breve illud sibi preceptum ... &c.

Selsin retornable first return of *Easter* Term.

Selsin deliver-ed about the middle time.

Entry of Recovery by alias. Pout patet the same Term, with double Voucher by Summons.

Alias pit patet hic eode Termino Rot ... plo continetur qd Cibreas Couenet & ... Anticus Cuwicke in propria persona sua petit ... versus Richardum Copton ter meluagia ... decim gardina decem acras prati septuaginta acras pasture & communiam pasture p ... animibus averiis cum pti in Stoke ut jus & hereditatem suam Et in qua idem Richardus non habet ingressum nisi post villeiam quam Hugo Dunc inde injuste & sine ... titio fecit plat Francisco tutre triginta annos &c. Et unde vic qd ipsemet fuit seisitus de tenciis & communia pois cum pti ... dominico suo ut de feodo & jure tempore

The Writ of Entry was returnable *Quinden' Pas.*

pacis tempore Dñi Regis nunc capiendo in exples ad valenciā &c. Et in que &c. inde ponit sectam &c.

The Summons *Cro. Ascenc.* being the last return of *Easter* Term.

Et pdictus Ricus in propria psona sua venit & defend jus suum quando &c. Et voc' in ar' war' Isaacum Estwiche fund in Com' dicto habeat cum hic in crastino Ascension Dominj per auxilium Cur' &c. Idem dies dat est partibus pdictis hic &c. Et super hoc pdictus Ricus po.lo.suo Thomam Wilmell Johem Cook Attorn' suos conjunctim & divisim versus pdict' Franciscum ad inquirendum de pdicto placito &c. Ad quem diem hic venit tam pdictus Franciscus in propria psona sua quam pdict' Ricus per pdict' Thomam Wilmell Attorn' suum Et pdictus Isaacus fund' &c. per Henricum Greene Attorn' suum similiter venit & gratis tenementa & communiam pdict' cum pt'in' si &c. Et sup' hoc pdictus Franciscus petit vers' ipsum Isaacum tenend' p' war' suam tenementa & communiam pdict' cum pt'in' in forma dicta &c. Et unde dicit ad ipsemet fuit seisitus de tēntis & communia pdict' cum &c. in dominico suo ut de feodo & jure tempore pacis tempore Dñi Regis nunc capiendo in exples ad valenciam &c. Et in que &c. inde ponit sectam &c.

Warrant of Attorny for Tenant.

Et pdictus Isaacus tenens p' war' suam defend jus suum quando &c. Et ultius vocat' in ad' war' Georgium Yumton qui similiter &c. sens est hic in Cur' in propria psona sua & gratis tenementa & communiam pdict' cum pt'in' war' &c. Et sup' hoc pdictus Franciscus

Common Vouchee.

versus ipsum Georgium tenend per war' suam tenta & communiam ꝓdict cum pertin formam ꝓdicta &c. Et unde dicit qꝫ ipse fuit seisitus de tenementis & communia ꝓdict cum ptin in dominico suo ut de jure & jure tempore pacis tempore Domini Regis nunc capiend inde ipsius ad valenciam &c. Et in que &c. Et inde ꝓdicit sectam &c.

Et ꝓdictus Georgius tenens p war' suam defend jus suum quando &c. Et dicit qꝫ prædictus Hugo non dilexit ꝓfat Franciscum tenentis & communia ꝓdictis cum ptin put idem Franciscus p breve & narrationem suam superius supponit Et de hoc ponit se super patriam &c.

Et ꝓdictus Franciscus petit licenciam inde loquendi Et habet &c. Et postea idem Franciscus venit hic in Cur' isto eodem termino in propria persona sua & prædictus Georgius licet solempniter erat non venit in contempt Curie recessit & defalt facit ideo cons' est qꝫ ꝓdictus Franciscus recuperet seisinam suam versus ꝓfat Richardum de tenementis & communia ꝓdictis cum ptin & qꝫ idem Richardus habeat de terra ꝓdicti Isaaci ad valenciam &c. Et qꝫ idem Isaacus habeat de terra ꝓdicti Georgii ad valenciam &c. Et idem Georgius in mia &c. Et super hoc ꝓdictus Franciscus petit hic Dni Regis vic' Com' ꝓdicti dirigend de hac re faciend ei plenariam seisinam de tenentis & communia ꝓdictis cum ptin Et ei conceditur retornabile hic in Octabis Sancte Trinitatis

Nota, The Summons was retornable so late in the Term, that the Writ of Seisin could not be retornable *indilate*, for it was *Teste* the last day of the Term, which was the *Teste* day of *Cro. Ascenc.* neither could it be returnable the first of *Trin.* Term, because not 15 days between the *Teste* day and Return.

nitatis &c. Ad quem diem hic ven̄ ꝑdict̄ Franciscus in ꝓpria ꝑsona sua. Et vic̄ ꝓd̄ dedit Johes Daniel & Thomas Geary mo[rtuos] manū ad ipsū virtute brevis illius sibi dir[ecti] vicesimo die Maii ult̄ ꝓterit habere fa[ciat] ꝓd̄ Francisco plenariam seisinam de ten̄ & communia ꝑdict̄ cum ꝑtin̄ put ꝑ bre[ve] ipsū sibi ꝓcept̄ fuit &c.

Exemplification of a Recovery, double Vouch[er] with great variety of Parcels.

Carolus Dei Gratia Anglie Sco[tie] Francie & Hibernie Rex Fidei D[efensor] &c. Omnibus ad quos ꝑsentes Lit[tere] nostre ꝑvenerint salutem Sciatis ꝙd in[ter] placita terre irrotulata apud Westm̄ co[ram] Thoma Richardson Milite & ſocijs ſuis [de] ſtic nostris de Banco de Termino Sa[ncti] Hillarii Anno Regni nostri vicesimo ꝓ[imo] Rotulo xxxvi continetur &c. Alias ꝓout [de] tet Termino Sancti Michaelis ult̄ ꝓt[er] Rotulo lxxi continetur &c. Quer' s. T. H. A. M. in ꝓpriis ꝑsonis suis petunt ver[sus] E. D. generosum manerium de D. cum [pertin] tin̄ ac duo mesuagia ducentas acras ter[re] centum acras ꝓati centum & quinquagin[ta] acras pasture decem acras bosci communia[m] pasture liberam piscariam feod̄ milit̄ wa[ra] maritag̃ escaet̄ televia cur̄ & cur̄ let̄ & v[isus] franci plegii cum ꝑtin̄ in D. als D. par[va] magna T. alias T. Mayori S. & F. Necn[on] tertoziam de D. alias T. parva cum ꝑtin̄

Writ of Entry was returnable *Quindēn' Martini.*

Acetiam

ſcetiam omnes & omnimodas decimas ob-
tiones & obventiones qualcunq; annuatim
enien crescen & renovan in parva D. Ac
vocationem vicarie ecclesie de parva D. ut
s & hereditatem suam. Et in que idem E.
m habet ingressum nisi post dilleisinam
am Hugo Hunt inde injuste & sine judicio
cit ptatis T. & A. infra triginta annos
c. Et unde dicunt qd ipsimet fuerunt seisiti
e manerio tenementis communia libera
iscaria leod milit ward maritag escaet re-
leviis cur cur let vilu franci plegii rectoria
ecimis oblacionibus & obventionibus pdictis
um ptin in dominico suo ut de feodo & jure
de advocatione pdicta ut de feodo & jure
empore pacis tempore Dñi Regis nunc ca-
iendo inde erples ad valenciam &c. Et in
ne &c. Et inde producunt sect &c. Et pre-
ictus E. in ppria plona sua venit & defendit
is suum quando, &c. Et vocat inde ad wa- Summons re-
antizand R. Comit S. sum in Comitatu turnable *Cr. Pur'.*
dicto habeat eum hic in Crastino Purifica- Tenant puts in
tionis Beate Marie p auxilium Cur &c. Idem Warrant of
ies datus est partibus predictis hic &c. Et Attorny.
uper hoc pdictus E. ponit loco suo W. W.
ttorn suum versus ptatos T. & A. de pre-
dicto placito Et modo hic ad hunc diem ve-
erunt tam predicti T. & A. in ppriis per-
onis suis quam pdictus E. p Attornatum
suum pdictum Et pdictus Comes S. sum
&c. p R. W. Attornatum suum simliter ve-
nit Et gratis manerium tenementa Com-
muniam liberam piscariam feod milit ward
maritag escaet relevia cur cur let vilum

franci plegii rectoriam decimas oblationes
obvenciones ꝓdict cum ptin ac advocat
nem ꝓdictam &c war &c. Et super hoc
dicti T. & A. petunt versus ipsum Comit
tenentem per warantiam suam manerium
nementa communiam liberam pisc̃ariam fe
milit ward maritag escaeta relevia cur
let vilum franci plegii rectoriam decim
oblationes & obvenciones ꝓdict cum per
ac advocationem ꝓdictam in forma ꝓdicta
Et unde dicunt ꝙ ipsimet fuerunt seisiti
manerio tenementis communia libera pisc
ria feod milit ward maritag escaetis relev
tur cur let vilu franci plegii rectoria de
mis oblationibus & obventionibus ꝓdict
cum ptin in dominico suo ut de feodo & ju
ac de advocatione ꝓdicta ut de feodo & j
tempore paris tempore Domini Regis n
capiendo inde exples ad valenciam &c. Et
que &c. Et inde ꝓdunt sectam &c. Et
dictus Comes tenens p war suam defendit j
suum quando &c. Et vocat inde ad warra
tizand Edward Howle qui similiter
sens est hic in Curia ꝓpria ꝑsona sua Et g
tis manerium tenementum communiam
beram pisc̃ariam feod milit ward marita
escaeta relevia cur cur let vis franci pleg
rectoriam decimas oblationes & obventione
ꝓdict cum ptin ac advocationem ꝓdictam
war &c. Et super hoc ꝓdicti C. & A. petun
versus ipsum Edwardum tenentem p wa
rantiam suam manerium tenementa comm
niam liberam pisc̃ariam feod milit ward ma
ritag escaeta relevia cur cur let vis franci
plegii

The Common Vouchee.

gii rectoziam perimas oblationes & obven-
es ꝓdict cum ꝑtiñ ac advocationem ꝓ-
am in forma ꝓdicta &c. Et unde dicunt
ipſimet fuerunt ſeiſiti de manerio tene-
mris communia libera piſcaria feod milit
ard maritag eſcaet releviis cur cur let
franci plegii rectoria decimis oblationi-
& obventionibus ꝓdict cum ꝑtiñ in do-
nico ſuo ut de feodo & jure ac de advoca-
ne ꝓdicta ut de feodo & jure tempore pacis
ꝑpore Domini Regis nunc capiendo inde
es ad valenciam &c. Et in que &c. Et
ꝓducunt ſectam &c. Et ꝓdictus Ed-
us tenens p warranciam ſuam defendit
ſuiñ quando &c. Et dicit qꝺ ꝓdictus Hugo
diſſeiſivit Pharos T. & A. de manio tenis
nunia libera piſcaria feod milit wardis
ragiis eſcaetis releviis cur cur let
franci plegii rectoria decimis oblatio-
us & obventionibus ꝓdict cum ꝑtiñ ac de
vocatione ꝓdicta ꝓout iidem T. & A. per
ve & narrationem ſua ꝓdict ſuperius ſup-
unt Et de hoc ponit ſe ſup patriam &c.
ꝓdicti T. & A. petunt licenciam inde in-
loquendi Et habeut &c. Et poſtea iidem
& A. reveñ hic in Cur iſto eodem Ter-
no in ꝑſonis ſuis Et ꝓdictus Ed-
us licet ſolempniter exactus non reveñ
in contemptum Curie receſſit & defaltam
uit Ideo conſideratum eſt qꝺ ꝓdicti T. &
recuperent ſeiſinam ſuam verſus ꝓfatum
D. de manerio tenementis communia
era piſcaria feod milit ward maritag eſ-
aet releviis curie cur let viſu franci plegii
rectoria

rectoria decimis oblationibus & obvention
bus ꝑdictis cum ptin ac de advocatione p
dicta Et qꝺ idem E. habeat de terra p
Comitis ad valenciam ꝛc. Et qꝺ idem
mes ulterius habeat de terra ꝑdicti Edwa
ad valenciam ꝛc. Et idem Edwardus in
sericoꝛdia ꝛc. Et super hoc ꝑdicti T.
petunt bꝛeve Domini Regis Vicecomiti
mitatus ꝑdict virigend de habere faciend
plenariam seisinam de manerio teneme
communia libera piscaria feod milit
maritag escaetis relevitis curie cur let
franci plegii rectoria decimis oblationibu
obventionibus ꝑdictis cum ptin ac de a
catione ꝑdicta Et eis conceditur rectoꝛia
hic indilate ꝛc. Postea scilt duodecimo
Febr isto eodem Termino venit hic in
ꝑdicti T. & A. in ꝑsonis plonis suis Et
videlt T. N. de N. Armig modo manu
ipse virtute bꝛevis ꝑdicti sibi directi nono
Febr ult ꝑterit habere fecit ꝑfatis T.
plenaria seisina de manerio tentis com
libera piscaria feod milit wardis marita
escaetis relevitis cur cur let visu franci pl
rectoria decimis oblationibus & obvencion
ꝑdict cum ptin ac de advocatione ꝑdicta p
bꝛeve illud sibi ꝑceptum fuit ꝛc. Que o
& singula ad requisition ꝑdict T. & A.
noꝛe plenius duximus exemplificand
cujus rei testimonium sigillum nostrum
bꝛevia in Banco ꝑdicto sigilland deputat
sentibus apponi fecimus teste T. Richar
apud Westm 12 die Febr Anno Regni no
vicesimo ꝓximo Brownlowe.

Seisin returnable *indilate*.

Demandant comes into Court last day of Term and Sheriff returns that Seisin was delivered 3 days before.

Form of a Recovery with double Voucher, where the Vouchees appear upon Summons.

Lias put patet Termino Sancti Michis ult preterit Rotulo 211. continetur sic illa novi Castri sup Tynam s. Thomas eele & Rolandus Kirkley in ppriis persis suis petunt versus Robertum Park meſuagia cum ptin in Villa novi Castri Tynam ut jus & hereditatem suam Et que idem Robertus non habet ingressum post dissessinam quam Hugo Hunt inde ste & sine judicio fecit ptatis Thome & landō infra triginta annos &c. Et unde unt qd ipsimet fuerunt seisiti de lex meglis pdictis cum ptin in dominico suo ut feodo & jure tempore pacis tempore Dni gis nunc capiendo inde exples ad valenm &c. Et in que &c. Et inde pducunt am &c. Et pdictus Robertus in ppria p a sua venit & defendit jus suum quando &c. vocat inde ad war Michaelem Durham & rtham uxorem ejus & Robertum Steele & igaſiam uxorem ejus sum in Com pdicto eat eos hic in Octabis Sancti Hillarii p cilium Cur &c. Idem dies datus est ptis pdictis hic &c. Et sup hoc pdictus Rob Park ponit loco suo Thomam Widnel & homam Hunt Attornatos suos conjunctim divisim versus ptat Thomam Steel & Rolandum de pdicto plito &c. Ad quem diem hic

The 2d Summons Roll. The Writ of Entry was returnable *Cr. Animarum.*

Summons returnable *Oct. ab. Hill'.*

Warrant of Attorny for Tenant.

hic ven tam ꝓdicti Thomas Steel & Rola
dus in ꝓpriis ꝑsonis suis quam ꝓdictus Ro
tus Park ꝓ ꝓdicto Thomam Widnel Att
suum Et ꝓdicti Michael & Martha & Ra
tus Steel & Abigail sunt &c. ꝙ Radulph
Wild Attorn suum similiter ven Et
tis lex mensuagia ꝓdicta cum ꝑtin ei war
Et sup hoc ꝓdicti Thomas Steel & Rolan
petunt versus ipsos Michaelem & Marthan
Robertum Steel & Abigailam tenentes
war suam lex mensuagia ꝓdicta cum ꝑtin
forma ꝓdicta &c. Et unde dicunt qꝫ ipsi
fuerunt seisiti de lex mensuagiis ꝓdictis
ꝑtin in dominico suo ut de feodo & jure
poꝛe pacis tempoꝛe Dni Regis nunc
endo inde exples ad valenciam &c. Ee in
&c. Et inde ꝓduc sectam &c.

Et ꝓdicti Michael & Martha & Rob? &
& Abigail tenentes ꝓ war suam defen
jus suum quando &c. Et ulterius vocant
ad war Edmundum Clent qui similiter ꝓ
est hic in Cur in ꝓpria ꝑsona sua Et gr
lex mensuagia ꝓdicta cum ꝑtin eis war &c.
sup hoc ꝓdicti Thomas Steel & Rolandus
cunt versus ipsum Edmundum tenentem
war suam lex mensuagia ꝓdicta cum ꝑtin
forma ꝓdicta &c. Et unde dicunt qꝫ ipsi
fuerunt seisiti de lex mensuagiis ꝓdictis
ꝑtin in dominico suo ut de feodo & jure
poꝛe pacis tempoꝛe Dni Regis nunc capien
inde exples ad valenciam &c. Et in que
Et inde ꝓduc sectam &c.

Common Vouchee.

Et ꝓdictus Edmundus tenens ꝓ war
defendit jus suum quando &c. Et dicit qꝫ ꝓ

dictus

us Hugo non disseisivit Platos Thomam
el & Rolandum de ter messagiis predictis
prim put iidem Thomas & Rolandus p
e & narracionem sua predicta supius suppo-
t. Et de hoc ponit se sup patriam &c. Et
i Thomas Steel & Rolandus petunt li-
tam inde inloquendi Et habend &c. Et
ea iidem Thomas & Rolandus revend hic
ur isto eodem termino in propriis perso-
luis Et predict Comundus licet solemp-
eract non revend set in contempt Cur
lit. Et default facit Ideo cons est qd Il
Thomas Steel & Rolandus recuperent
am suam versus Plat Robertum Park
r messagiis predict cum prim Et qd idem
ertus habeat de tra predictorum Michaelis
artha & Roberti Steel & Abigaile ad va-
iam &c. Et qd idem Michael & Martha
ertus & Abigail ullius habeant de tra
i Comundi ad valenciam &c. Et idem
mundus in mia &c. Et sup hec predicti
omas Steel & Rolandus petunt breve
Regis dic ville predicte dirigend de va-
facient eis plenariam seisinam de ter
uagiis predictis cum prim Et eis concedi-
retornabile hic in Octabis Purificacionis
e Marie &c. Postea scilt duodecimo
Febr̃uarii isto eodem termino ven hic in
m predicti Thomas Steel & Rolandus in
propriis personis suis Et vic dicit Ro-
tus Jennison mand qd ipse virtute
is predicti sibi direxit sub die Febr̃uarii
dcim habere fac Plat Thome Steel &
landi plenariam seisinam de ter messagiis

predict

Seisin retornable last return of *Hill.* Term.

Demandants come into Court last day of the Term, and Sheriff returns that Selsin was delivered 9 days before.

pdict cum ptin̄ put p breve illud sibi
ceptum fuit &c.

The Form of a Recovery with double Vou
of some intire Parcels, and of a Moie
other Parcels passed at Bar.

Writ of Entry was returnable *Quind' Martini* because so late that Seisin was awarded next Term.

Ebor' ss. Jacobus Creswick & Edrus C
wick in propria psona sua
tunc vicis Antonium Ellis duo mes
duo gardina duas acras ter duas acras
& duas acras pasture cum ptin̄ in Shef
Necnon medietatem unius mesuagii du
gardinorum viginti acrarum ter centum
rum pract viginti acrarum pasture & quin
ginta acrarum jacuorum & bruere cu
tin̄ in Shefield Ecclesall & Hallam in
& hereditatem suam Et ea que idem
nias non habet ingressum nisi post vitae
quam Hugo Hunt inde tulisse & sine ha
fecit placis Jacobo & Edwardo sextis erig
Annos &c. Et unde dicunt qd ipsimet
runt seisiti de tenementis & medietate
cum ptin̄ in dominico suo ut de feodo
tempore pacis tempore Dñi Regis nunc
piendo inde exples ad valenciam &c. Et
que &c. Et inde pnc' lectam &c.

Tenant appears at Bar and vouches over.

Et previtus Antonius in propria per
sua venit & defendit jus suum quando
Et vocat inde ad war Georgium Petty
presens est hic in Cur in propria per
sua Et graris tenementa & medietatem
dict cum pertin̄ eis war &c. Et sup

Vouchee appears at Bar and enters into Warranty.

pdictus Antonius petit versus ipsum
ogium tenentem per war suam tre-
ta & medietatem pdict cum pertinen in
ma pdicta &c. Et unde dicunt qd ipsi
fuerunt seisiti de tenementis & medie-
pdictis cum pertinen in dominico suo ut
feodo & jure tempore pacis tempore Do-
Regis nunc capiendo inde exples ad
enciam &c. Et in que &c. Et inde pduc
&c.

pdictus Georgius tenens per war suam Calls over the Common Vouchee.
dit jus suum quando &c. Et alterius
le habe ad war Edmundum Clent qui
ter plens est hic in Cur in propria per-
sua. Et gratis tenementa & medietate
cum pertin ei war &c. Et super hoc
us Georgius petit versus ipsum Ed-
ndum tenentem p war suam tenementa &
dietatem pdict cum ptin in forma pdicta
Et unde dicunt qd ipsimet fuerunt seisiti
tenementis & medietate pdictis cum ptin
dominico suo ut de feodo & jure tempore
is tempore Dñi Regis nunc capiendo inde
les ad valenciam &c. Et in que &c. Et
pour lectum &c.

Et pdictus Edmundus tenens per war Non disseisivit
suam vocauit jus suum quando &c. Et dicit
pdictus Hugo non disseisivit pfatos Ja-
um & Edwardum de tenementis & medie-
te pdictis cum pertin prout iidem Jaco-
s & Edwardus per breve & narrationem sua
icta supius supponit Et de hoc ponit se sup
riam &c.

Et

Imparlance and default by Common Vouchee.

Et ꝓdicti Jacobus & Edꝝs petunt li
cia finde inloquendi Et habent &c. Et p
idem Jacobus & Edwardus revenc hic in
isto eodem Termino in ꝓpriis ꝑsonis
Et ꝓdictus Edmundus licet solempnit
non revenc set in contempt Curie rece
defaltam facit Ideo cons est quod
Judgment and Recovery in value.

Jacobus & Edwardus recuperent sei
suam versus ꝓfat Antonium de tenem
& medietate ꝓdictis cum ꝑtin Et quod
Antonius habeat de ꝺ̃o ꝓdicti Georgii
lenciam &c. Et quod idem Georgius
habeat vs ꝺ̃o ꝓdicti Edmundi ad valen
&c. Et idem Edmundus in mia &c.

Seisin returnable the first return of *Hill'* Term.

hoc ꝓdicti Jacobus & Edwardus petunt
Dñi Regis Vic' Com' ꝓdicti dirigend
vere faciend ei plenariam seisinam de
mentis & medietate ꝓdictis cum ꝑtin
concedit'r retornabile hic in Octabis
Hilarii &c. Ad quem diem hic venc
Jacobus & Edwardus in ꝓpriis ꝑsonis
Et ꝓdict' vicecomes Wm. Armiger modo
quod ipse virtute brevis ꝓdicti sibi direct
simo die Decembris ult ꝓxim habere
ꝓfat Jacobo & Edwardo plenariam se
de tenementis & medietate ꝓdictis
ꝑtinenc ꝓout ꝑ breve illud sibi ꝓ
fuit &c.

The Form of a Recovery, where the Tenant appears by Attorny, and vouches several persons, for several Lands in several Towns; who appear by Summons.

Banc. ff. JY. in propria persona sua petit versus L. A. tria mesuagia tria gardina quinquaginta acras terre quadraginta acras prati & seraginta acras marisci cum pertin in S. & G. ut jus & hereditatem suam & in que idem L. non habet ingressum nisi post disseisinam quam Hugo Hunt inde fecit & sine judicio fecit plac J. infra triginta annos &c. Et unde dic quod ipsemet fuit seisitus de Tenementis pdict cum pertin in dominico suo ut de feodo & jure tempore pacis tempore Dñi Regis nunc capiend inde exitus ad valentiam &c. Et in que &c. Et inde producit sectam &c.

The Writ of Entry was returnable *Tres Mich.*

Et pdictus L. per C. B. Attorn suum venit & defendit jus suum quando &c. Et quoad duo mesuagia duo gardina triginta acras terre viginti acras prati & quadringinta acras marisci in S. pdict de Tenementis pdict superius petit parcel vocat inde ad war C. A. Et quoad unum mesuagium unum gardinum viginti acras terre viginti acras prati & viginti acras marisci de Tenementis pdict cum pertin superius petit ipse idem L. vocat inde ad war C. U. & B. uxorem ejus respective sum in Com pdict habeat eos hic in Octabis Sancti Martini p auxilium Cur &c. Idem dies dat est partibus pdict hic &c. Et

Tenant appears by Attorny and vouches over.

Summons returnable *Octab. Mart.* same Term.

Tenant appears in person at the Return of the Summons.

modo hic ad hunc diem scilt ad pdict Octab Scī Martini vend tam pdict J. in propria plona sua quam pdict L. p Attorn suum pdictum.

Vouchees appear by several Attornies.

Et pdictus C. sum̄ &c. per J. B. Attorn suum Et pdicti C. & B. sum̄ &c. per H. S. Attornatum suum similiter ven̄ Et pdict C. gratis Tenementa pdict cum pertin̄ in S. pdict de Tenementis pdict cum pertin̄ superius petit parcel unde ipse superius vocabatur ad war eidem L. war &c. Et super hoc predict J. pet̄ vlus ipsum C. tenen̄ war suam eadem Tenementa cum ptin̄ in S. pdict in forma pdict &c. Et unde dic ipsemet fuit seisit de eisdem Tenement cum ptin̄ in S. pdict in dominico suo de fe & jure tempore pacis tempore Dñi Reg nunc capiend̄ inde exples̄ ad valentiā &c. in que &c. Et inde pduc̄ sectam &c.

One vouches one parcel.

The other vouches the other parcel.

Et pdicti C. & B. gratis Tenementa pdict cum ptin̄ in G. predict de Tenementis pdict cum pertin̄ superius petit resū̄ unde ip superius vocabantur ad war eidē L. war &c. Et super hoc pdict J. petit versus ipsos C. & B. tenend̄ per war suam eadem Tenement cum pertin̄ in G. pdict in forma predict &c. Et unde dicit quod ipsemet fuit seisitus de eisdem Tenementis cum ptin̄ in G. pdict in dominico suo ut de feodo & jure tempore pacis tempore Dñi Regis nunc capiend̄ inde exples̄ ad valentiam &c. Et in que &c. Et inde pduxit sectam &c.

Et

Et predictus C. tenens p̄ war̄ suam de eisdem Tenementis cum p̄tin̄ in S. p̄dict de Tenementis p̄dict cum pertin̄ superius petit parcel inde ipse superius vocabatur ad war̄ defendit jus suum quando &c. Et ulterius vocat inde ad war̄ Edmundum Client qui sibi plens est hic in Cur̄ in propria plona sua Et gratis eadem Tenementa cum pertin̄ in S. p̄dict ei war̄ &c. Et super hoc p̄dictus J. petit versus ipsum Edmundum tenend̄ p̄ war̄ suam eadem Tenementa cum p̄tin̄ in S. p̄dict in forma p̄dict &c. Et unde dicit quod ipsemet fuit seisitus de eisdem Tenementis cum pertin̄ in S. p̄dict in dominico suo ut de feodo & jure tempore pacis tempore Dñi Regis nunc capiendo inde exples ad valenciam &c. Et in que &c. Et inde producit sectam &c.

One Vouchee calls over the Common Vouchee for one parcel.

Et p̄dict C. & B. tenend̄ p̄ war̄ suam de eisdem Tenementis cum p̄tin̄ in G. p̄dict de Tenementis p̄dict cum p̄tin̄ superius petit resid̄ unde ipsi superius vocabantur ad war̄ defend̄ jus suum quando &c. Et ulterius vocant inde similiter ad war̄ p̄dict Edmundum Client qui similiter p̄sens est hic in Cur̄ in propria persona sua Et gratis eadem Tenementa cum p̄tin̄ in G. p̄dicta ei war̄ &c. Et super hoc p̄dict J. petit versus ipsum Edm̄ tenend̄ per war̄ suam eadem Tenementa cum pertin̄ in G. p̄dict in forma p̄dict &c. Et unde dicit quod ipsemet fuit seisitus de eisd̄ Tenementis cum pertin̄ in G. p̄dicta in dominico suo ut de feodo & jure tempore pacis tempore Dñi Regis nunc capiendo inde ex-

The other Vouchee calls over the Common Vouchee for the other parcel.

ples ad valentiam &c. Et in que &c. Et inde producit sectam &c.

Common Vouchee pleads *Non disseisivit* as to the whole.

Et predictus Edmundus tenens per warr suam de Tenementis predict integris cum pertinen defend jus suum quando &c. Et dicit q̃d predictus Hugo non disseisivit predict J. de eisdem Tenementis cum pertin put idem J. per Breve & Narrationem sua predicta superius supponit Et de hoc ponit se super Patriam &c.

Demandant imparls and Common Vouchee makes default. Judgment and Recovery in value.

Et predictus J. petit licentiam inde interloquendi Et habet &c. Et postea idem J. venit hic in Cur isto eodem Termino in propria plona sua Et predictus Edmundus non solemniter exact non reven set in contemptum Curie recessit & defalt facit Ideo consideratum est quod predict J. recuperet seisinam suam d̃los predict L. de Tenementis predictis integris cum pertin Et quod idem L. habeat de Terra predict E. ad valentiam Tenementorum predict cum pertin in S. predict superius d̃cm eum ut tenen per warr suam petit Et q̃d idem E. inde ulterius habeat de Terra predict Edmundi ad valentiam &c. Et quod idem L. habeat de Terra predict C. & B. ad valentiam Tenementorum predict cum pertin in G. predict superius versus eos ut tenentes inde per warr suam petit Et q̃d idem C. B. inde ulterius habeant de Terra predict Edmundi ad valentiam &c. Et idem Edmundus in mia &c. Et sup hoc predict J. petit Breve Dñi Regis de Com predict dirigend de habere faciend ei predict warr seisinam de Tenementis predictis integris cum pertin Et ei conceditur recognabile hic

Seisin returnable *indilate.*

indilate

judicate &c. Postea scilt vicesimo octavo die Novembris isto eodem Termino ven hic in Cur predict J. in propria plona sua Et vic dedit W. L. Miles modo mand quod ipse virtute Brevis predict sibi direct vicesimo quinto die Novembris ult pterit habere fec sat J. plenar seisinam de Tenementis pre- dictis integris cum ptin put p Breve illud sibi precept fuit &c.

Demandant comes into Court last day of the Term, and Seisin delivered three days before.

The Forms of the Writs of *Mittimus* and *Dedimus*.

DOminus Rex mandavit Justic suis de Banco hic Breve suum de Mittimus dudum unacum tenore cujusdam Brevis de Dedimus Potestatem de Mar Attorn recipiend & retorn ejusdem Necnon Mar Attorn inde recept in hec verba Carolus secundus Dei gratia Anglie Scocie Francie & Hibernie Rex Fidei Defens &c. Justic suis de Banco salutem Tenores cujusdam Brevis de Dedimus Potestatem dilecto & fideli suo E. Y. Milit ac dilectis sibi A. Y. Armig N. B. Armig R. D. Armig & J. G. Gen quatuor tribus vel duobus eorum direct de & pro receptione Attornati vel Attornatorum conjunctim vel divisim quem vel quos A. Y. Generosus & Y. uxor ejus & T. B. Generosus & Y. uxor ejus pro se locis suis eorum predict E. A. N. R. & J. eis quatuor tribus vel duobus eor ponere aut constituere voluerint ffus E. E. Gen & T. S. Gen lucrand vel pervand in placito terre super

breve nostro de ingressu super disseisinam in le post coram vobis pendeñ inter Doick C. & T. querentes & R. T. sacre Theologie Professorem de manerio de C. cum pertin ac de ser messuagiis decem toftis duobus columbar decem gardinis quadraginta acris bosci duobus millibus acrarum sampsorum & viginti acr more decem libraţ reddit & communia pasture p omnibus aveciis cum pertin in Charleby Carleby Wilstropp Barneby row Bonthorp Grefford Dolliwel Wytham-Castle Bytham little Bytham & Amby alias Omby ac libera piscario in aqua de Carleby Necnon advocatione Ecclesie de Carleby in Com Lincoln Qui quidem R. T. vocabit Doick R. M. M. uxorem ejus & T. B. & M. uxorem ejus ad war ei inde rium messuagia reddit & cetera pmissa Doick cum pertin Ac retorn ejusdem brevis ac in ea parte recept in Cancellariam nostram mis ac in ejusdem Cancellarie nostre rotulen vobis mittimus presentibus interclus mandantes quod inspectis tenoribus pmiss ulterius ad prosecutionem predict C. & T. S. fieri fac quod de Jure & secundum Legem & Cons Regni nostri Anglie fuerit faciend Teste meipso apud Westm vicesimo octavo die Maii Anno Reg nri quartodecimo.

Carolus Secundus Dei grā Angl Scot Francie & Hibnie Rex Fidei Defēs &c. Dilecto & fideli suo C. M. Militi ac dilectis sibi A. H. Armig N. B. Armig R. D. Armig & J. G. Gen salutem Cum breve nostrum de ingressu super disseisinam in le Post pendeñ

coram

coram Justic nostris de Banco inter E. B. Gen & T. S. Gen petent & R. T. sacre Theologie Professorem de manerio de Carleby cum pertin Ac de sex messuagiis decem cotis duobus columbar decem gardinis quinquaginta acris terre decem acris prati centum acris pasture quinquaginta acris bosci duobus millibus acrarum sampnorum & bruere viginti acris more decem libras revoc & communia pasture pro omnibus averis cum pertin in Carleby Milnthorp Barkebrow Banthorp Greetow Hollinwel Waytham-Caulde Brethom little Brytham & Amby alias Dmby & libera piscaria in aqua de Carleby Nec non Advocatone Ecclesie de Carleby in Com Lincoln Ac unde R. in plena Cur nostra coram Justic nostris unde compar[ens] vocavit R. M. Gen & M. uxorem ejus & T. H. Gen & M. uxor ejus ad warantizand et manerium & cetera premissa unde cum pertin Super quo emanavit breve nostrum de sum ad war Vic Com unde direct versus eosdem R. M. T. & M. returnabile coram Justic nris unde apud Westm in Crastino Sancte Trinitatis pro' futur Et quia unde R. M. M. T. & M. adeo impotentes existunt quod absq; maximo corpor suor periculo usq; Westm coram Justic nostris unde ad diem in dicto brevi nostro de sum ad war content laborari non sufficiunt ut accepimus Nos statu eorundem R. M. M. T. & M. compacientes in hac parte Devimus vobis quatuor tribus vel duobus vestrum potestatem & plenam authoritatem recipiendi Attornatum vel Attorna-

tos quem vel quos iidem R. M. M. T. & M. ad war' vocand' ad lucrand' vel perdend' in placito p̃dicto coram Justic' nostris p̃dict' locis suis coram vobis quatuor tribus vel duobus vestrum ponere aut constituere voluerint recipiend' Nolentes inde in Cancellariam nram de nomine hujusmodi Attornati vel Attornatorum debite certificand' Et ideo vobis quatuor tribus vel duobus vestrum mandamus quod ad p̃fatos R. M. M. T. & M. personaliter accedentes si commode ad vos quatuor tres vel duos vestrum laborari non sufficiunt Attornatumque suum vel Attornatosque suos recipiatis Et cum Attornatum illum vel Attornatos illos sic ceperitis Nos inde in Cancellariam nostram sub sigillis vestris quatuor trium vel duorum vestrum distincte & aperte sine dilatione reddatis certiores hoc breve Nobis remittentes Teste meipso apud Westm' quinto die Maii Anno Regni nostri quartodecimo.

M. Smith p Dum Cancellar' Angl' ad instan' petent'

Retorn' inde.

R. M. Gent & M. uxor ejus T. R. Gent & M. uxor ejus R. T. sacre Theologie Professor p̃. lo. suis W. T. & L. W. conjunctim & divisim filius E. B. Gent & T. S. ad lucrand' vel perdend' in placito terre partes Nobis vocate capt' & cognit' apud C. in Com' L. ulk die Maii Anno Regni Regis Caroli Secundi decimo quarto coram nobis N. B. & J.

J. G. virtute brevis de Dedimus Potesta-tem presentibus annex'.

N. B.
J. G.

The Charge of a Recovery with single Voucher, where the Tenant appears at Bar.

	l.	*s.*	*d.*
FOR drawing the Precipe —	0	2	6
For taking it into the Remembrance —	0	1	0
To the Cursitor for the Writ of Entry	0	2	6
New Imposition for the Seal	0	0	6
The King's Fine rated by the Commissioners —	According to the value of the Lands		
New Imposition —	According to the Rate.		
To the Receiver — —	0	0	6
For Doctors Hand for entring and endorsing in Term time —	0	1	2
For drawing it at the Bar to three Serjeants — —	0	10	0
To the Box — —	0	0	6
Common Vouchee — — —	0	0	4
To the Attorny General for signing the Writ of Entry —	0	10	0
The Secondary in Court receives —	0	2	6
Return of the Writ of Entry —	0	2	0
Drawing the Count and Judgment	0	2	6
For Exemplifying it and Parchment —	0	7	6

To

	l.	s.	d.
To the Prothonotary for the Entry thereof	0	10	0
For ſealing thereof	0	2	0
Impoſition	0	7	6
For the Writ of Seiſin and Return	0	4	0
For the Seal thereof and Impoſition	0	1	1
For filing the Writs of Entry and Seiſin with the *Cuſtos Brevium* and Common Vouchee	0	2	4
Attorny's Fee	0	6	8
But if your Recovery be with double Voucher, the Prothonotary will have of you for the Entry thereof	0	14	6
And for every treble Voucher	0	18	6
To the Clerk for every Voucher more	0	2	0

The Charge of a Recovery by Summons, Warrant of Attorny and Dedimus.

FOR drawing the Precipe and Warrant of Attorny	0	3	4
Dedimus Poteſtatem	1	4	2
Curſitor for the Tranſcription of the Return and Impoſition	0	11	0
The making of the Writ of Summons	0	2	0
Sealing thereof with the Impoſition	0	1	1
Entry of the Summons for the Prothonotary	0	4	6
If with a Warrant of Attorny then	0	6	8

	l.	s.	d.
To the Clerk for drawing and ingrossing the Summons	0	2	6
To the Clerk for the entring the Summons with *Mittimus* and *Dedimus* on the Roll	0	5	4
For making and filing every Warrant of Attorny	0	1	4
For Return of the Writ of Summons	0	2	0
For filing thereof	0	1	0

Charges extraordinary, if the Recovery be under the Great Seal of England.

FOR the *Cerciorari*	0	13	4
For the Allowance thereof	1	9	6
For the Clerk for his pains	0	6	8
For the Exemplification, every Skin	1	6	8
And to the King for the first Skin for Imposition	2	0	0
For every other Skin for Imposition	1	0	0
For the Seal	1	0	6

Entry of a Recovery with Adjournments of the Term.

A Lias pluit patet &c. (reciting the Demand) Tenant appears Et vocat inde ad warr. S. H. Gent. Sum in Com. pleit ha-

This Entry was made (before the Statutes 16 & 17 *Car.* 22.) when there were nine Returns between the Writs, and when the Returns of *Octab. Mich.* and *Quinden. Mich.* were good.

beat

beat eum hic in Octab Sancti Mich Et sum in Com pdict per auxilium Cur &c. Idem dies dat &c. Ad quem di loquela pdict adjorn fuit p Breve Domini Regis de Communi Adjornamento hic scilic apud Westm in Com Midd usq a die S Mich in unum mensem tunc pxor' sequen quem diem loquela pdict ulterius adjorn fuit per aliud Breve dicti Domini Regis Communi Adjornamento a Westm u Will dict Dni Regis de Reading in Comi Berks in Cro Animar tunc pxor' sequ Et modo hic scilt apud pdict Willam Dni Regis de Reading ad hunc diem scili ad Cras Animar ven tam pdict H. pxoxia persona sua quam pdict G. per A toxnatum suum pdict Et pdict S. m sum &c. p R. G. Attoxnat suum dict Et gratis Tenenta pdict cum ptin eis &c. Et super hoc pdict H. pet versus ipl S. tenend p war suam Tenenta pdict pertin in foxma pdict &c. Et unde dicit ipsemet fuit seisit (&c.) Et inde pro sectam &c.

Et pdict S. tenend per war suam de jus suum quando &c. Et ulterius voc in ad war H. D. habeat eum hic a die P in quindecim dies Et sum in Com p per auxilium Cur &c. Idem dies dat tam pfat J. E. W. quam pfat S. hic &c. quem diem loquela pdict ulterius adjorn fuit per aliud Breve dicti Domini Regis Communi Adjornamento a pdict Willa Dni Regis de Reading in Comitat Ber

usq; ad Westm̃ in Com̃ Mid̃ usq; ad eandem Quinden̄ Pasch̄ &c.

Al' forma Brevis de summ' vers le deux Vouchees.

Ll. Sumd per bonos sum̃ H. D. q̃ &c. ocꝯ tint ad war' H. S. quem J. D. alias voc war' & qui ei war' unum Messuagium &c. cum pert̃ in D. que A. B. & H. S. in Cur' hic coram &c. Clam̃ ut jus suum versus ipm̃ H. tenen̄ inde p̃ war' suam per breve istrum de ingressu super disseisinam in le Post Et unde idem W. in eadem Cur' nr̃a hic Pfat̃ H. Sumd in Com̃ tuo ad war' versus eos Et habeas ibi sum̃ Et hoc breve Teste &c.

Original ubi Vic est tenens.

Ll. Corom̃ suis in Com̃ Lincoln̄ salutem Precipe T. H. Mil̃ & C. D. Cro Anima & unum &c. Quia p̃dict̃ T. modo est Vic' Com̃ p̃dict̃ Jō fiat executio istius brevis per p̃dict̃ Coron̄ &c. Ita quod p̃dict̃ Vic' cum executione inde se aliqualiter non intromittat. Original to the Coroners.

Trin. 14 Eliz. Rot. 90.

Domina Regina mand̄ Justic' hr̃e de ingressu in le Post pro Communi Recuperatione in Trin. quinto Edr̃i quarti Rot. 386. Ante non vidi p̃ Filmer.

Al'

A' forma intrandi Breve de Mittimus.

Trin. 14 Eliz. Rot' 90.

Domina Regina mandavit Justic' suis [illegible] Banco breve suum Clausum in hec verba (recite the Mittimus). Teste meipsa [illegible] Westm' decimo die Pasch Anno Regni [illegible] decimo quarto Garth Tenores unde in b[illegible] pdict' fit mentio sequuntur in hec verba (so recite the Dedimus Potestatem and execution of it as you find.

Mich. 10 Car Rot' 50.

Henricus Gold *versus* Thomas Thyme.

Writ of Seisin to the Coroners.

Et super hoc pdict' Henricus dicit qd p[illegible] T. Vic' Com' pdict' modo existit. Et e[illegible] causa petit breve Domine Regine de ha[illegible] faciend' ei plenariam seisinam de Tene[illegible] pdict' cum pertin' Coron' Com' pdict' [illegible] genu. Et quia per inspectionem tam b[illegible] originalis in placito pdict' impetrat' & r[illegible] nabil' & retornat' hic a die Sancti Michaelis unum mensem isto eodem Termino q[illegible] aliorum brevium Com' predict' ad eund[illegible] mensem Sancti Michaelis in Banco hic r[illegible] tornat' & assilas pdictas allegat' pdict' [illegible] comperta est vera ut continetur retorn[illegible] hic inde fiat &c.

Nota.

Le brief de seisin fait fait ove ceus p[illegible] en le fine fl. Quia Petrus T. modo est [illegible]

(put in fine oziginal) Mes Moyle trahe
hozs car le briefe de seisin poit estre sans
les parols.

Alius Tenend est Vic Ió bre de seisin agard
Coron.

Et super hoc ꝓdict A. & E. dic quod ꝓdict Simile.
unus Tenend ꝓdict Vic Com ꝓdict mo-
erist & ea de causa pet breve Dni Regis
habere fac eis plenar seisinam de Tene-
mentis ꝓdict cum pertin Cozon Com ꝓdict
rigend Et quia p inspeco tam brevis ozi-
ginalis plitt ꝓdict retornabil & retornat hic
in Cto Sancti Martini isto eodem Termino
quam aliozum brevium Com ꝓdict ad eunde
Crastin Sancti Martini in Banco ꝓdict hic
tornat & assilat & retornoz eozundem al-
gacõ ꝓdict comperta est vera eis concedi-
t retornabile hic indilate &c. Postea scilt
cesimo octavo die Novembr isto eode Ter-
ino ven hic in Cur ꝓdict A. & E. in ꝓpa-
ris personis suis Et Cozon dixit P. S.
Y. B. modo mand &c. Pich 33 & 34 Eliz.
ot 63.

Le Vouchee est Vic Ió breve de sum direct
al Coron.

In communi recuperation Tenend com- Nota.
ceruit & voc inde ad war Georgium Comi- Writ of Sum-
em Cumbr sum in Com ꝓdict p auxilium mons to the
Cur &c. & Et super hoc idem J. & K. dic qd Coroners.
ꝓdict Comes est Vic Com ꝓdict & ea de * Les parols.
causa

causa per breve Dñe Regine de sund ad
Coron Com pdict dirigend Et quia
constat Cur hic p retorn brevium Com
hic in Cur residend qđ allegatio pdict
exist' precept est Coron Com pdict qđ
per bonos sund pdict Comitem qđ sit
die Sancti Martini in quindecim dies ad
in forma pdict &c. Idem dies dat est
bus pdict hic &c.

Vide similem intracionem Pasch 3 H.
octavi Rot 325. & Pich 3 Henr octavi
peracionem inde.

Le Vouchee est Vic uncore les brē de sund
seisin retorn per luy

Nota. Devon ss. R Oupe versus Sable Tene
p sund compuit & voc
Pik & le sund fuit retorn p le vouchee
ant Vic & aura le seisin p luy Pich 15
Rot 43.

Brē de seisin retorn servie p le vieux Vic.

London ss. SEisina retorn Octavis Mar
Ad quem diem hic ven
T. in propria persona sua Et Vic
N. S. & G. E. modo manū brē pdict
I. L. & H. W. nuper Vic London in
exitibus ab officio suo Vic London
p eosde nuper Vic execut in forma
videlt qđ nuper Vic vicesimo septimo
nii ult preterit habere fecer pfat T.
seisinam de Tenementis pdict cum

per

bre ill eis ꝓcept fuit ꝛc. Trin 15 Jac
81. lieure de entries fol. 617.

Sum continue per Vic non mis bre.

Northumbr ss. J. H. petit versus W. W. quas tuoz Weluagla ꝛc.

Et ꝓdict W. in ꝓpria ꝑsona sua ꝛc. voc W. habeat eum hic in Crastin Animarū ſum ꝛc. Et super hoc ꝓdict W. po. lo. suo H. ꝛc. de ꝓdict placito ꝛc. Ad quem diem ven tam ꝓdict J. in ꝓpria persona sua am ꝓdict W. per ꝓdict E. H. Attoznat um. Et Vic nichil inde fec nec brēve ill mis Ideo ꝓdict R. sicut ꝓius sum qđ ſic in Octab Sci Hillarii. Idem dies dat partibus ꝓdict hic ꝛc. Trin 14 Car Rot 49. Pasch 33 Eliz. Rot 16. Pasch 1 Jac Rot 56.

L'un des vouches moruſt ſur que le tenant re-vouch lauter.

Hillar 3 Car Rot 58. Willus T. filius L. ꝛc. qui voc H. B. & J. D. Crastin trin ſum ꝛc. Idem dies dat eſt partibus dict hic ꝛc. Ad quem diem hic ven tam ꝓdict W. in ꝓpria persona sua quam ꝓdict H. p B. H. Attorn sum Et Vic nichil inde fec nec brēve inde mis Et super hoc idem W. dic qđ poſt ultimam continuacon plitt dict ſcilt poſt Octab Sancti Hillarii ult p. ſcilt de quo die loquela ꝓdict ult continuat fuit hic uſq; ad hunc diem ſcilt decimū diem

Aprilis Anno Regni Domini Regis nu
quarto ꝑdict P. apud T. ꝑdict obiit pr
J. ipsum supervixit super quo ꝑdict P.
voc inde ad war ꝑdict Jō sum in Com
dict habeat eum hic in Crastino Anima
per auxilium Cur &c. Idem dies dat est
tibus ꝑdict hic &c.

Un des Vouchees fait Chivalier.

Mich 13 Jac Rot 1. Alias prout patet
Et voc inde ad war A. & B. Ar sum &c.
quas quidem Octab Sancti Mart ven hi
ꝑdict pet quam ꝑdict tenen in propria
sona sua Et ꝑdict A. & B. (qui quidem
post ult continuacon plit ꝑdict ordinem
litar super se suscepit & modo miles ex
sum &c. p J. P. Attorn suum ult ven
gratis &c.

Irrotulatio & Exemplificatio Brevis de Ingr
& Seisina &c. secundum Statut de A
23 Eliz. cap. 3.

Il. Elizabetha &c. Omnibus ad quos
tere nostre pervenerint salutem Sciat
A. B. in Cur nostra coram &c. implacit
C. D. de uno Messuagio cum pertinen in
per Breve nostrum de ingressu super dis
nam in le Post, cujus quidem brevis una
retorno ejusdem brevis ac plit super eo
brevi hic ac brevis de seisina inde unacu
torno ejusdem bis de seisina necnon war
corum inde recept tenores sequuntur in hec
Il.

Eliz. &c. (Et ſic recit̃ bꝛe de Ingreſſu ver-
im cum retorn inde & cunt) plita apud
eſtm̃ coꝛam J. Dyer Mit & ſociis ſuis Juſtic
e Regine de Banco de Term̃ Paſch. Ann
gni Eliz. Dei gra &c. ſexto Rotulo 100.
vom̃ ſi A. W. (& cunt ut in Rot. cum bꝛe
teſtm̃ & retorn inde & cunt war Attorn
) Attorñ recept coꝛam J. D. Mit & ſocijs ſuis
ſtic Dñe Regine de Banco de Termino
aſch Anno Regni Eliz. &c. ſexto A. B. po.
ſuo G. H. verſus C. D. de plit terre (&
e war det.) Que omnia & ſingula &c.

And ſo recite the Writs of Entry, &c. *verbatim* with the Return thereof &c.

Aliter.

Carolus &c. ſalutem ſciat⁹ q̃s inter ſtrotu-
ta bꝛevium & alioꝛ depended̃ p̃ comuni-
recuꝑacionibus apud Weſtm̃ ſecundo
mam ſancti de Termino Sci Hil. Anno
egni noſtri decimo quinto & decimo ſexto
ſit i. contenet ſic Writes it. Carolus &c.
e recite le bꝛe de Entry le Curtoꝛs noſtre
tout l'endoꝛſement pur ceo croyes) Que om-
ia & ſingula ad requiſicoem̃ dict D. C.
e dot) tenoꝛe plenius̃ patet̃ ſumus exemplifi-
and. In cujus rei teſtimonium ſigillum
oſtrum ad bꝛevia in Banco dict ſigill. de
ant plenius̃ apponi fecimus Teſte Edw.
yrril Mard Bꝛown & Johe Archer Juſtic
is de Banco apud Weſtm̃ 18 die Januar
nno Regni noſtri decimo quinto.

Another Form thereof.

Reciting the Writs of Entry and Seiſin and their Returns, *Que omnia*, &c.

Tyrril, Brown, Archer.

Various Forms of Demands.

II. PEtit unum meſuagium duas acras [illegible] quatuor acras ꝓati ſer acr paſture [illegible] communiam paſtur ꝑ omnibus averiis [illegible] ptiñ in M. D. Et unde dic qđ ipſemet [illegible] ſeiſit de tenementis & commun̄is ꝓdict [illegible] ptiñ in dominico ſuo ut de feodo & jure [illegible] ꝓpre pacis &c.

II. Per unum meſuagium duas acras [illegible] quatuor acras ꝓati ſer acr paſtur decem [illegible] livat reddit & communiam paſture ꝑ om[illegible] bus averiis cum ptiñ in P. &c. Et unde [illegible] qđ ipſemet fuit ſeiſit de tenementis reddit [illegible] communia ꝓdict cum ptiñ in dominico ſuo [illegible] de feod & jure tempore &c.

II. Per unum meſuagium duas acras [illegible] quatuor acras ꝓati ſer acr paſtur octo [illegible] paſci quinquaginꝫ acr ſampnorum & bru[illegible] quadꝛaginꝫ acras moꝛe ſeptuaginꝫ acr [illegible] tarie decem acr marliſi decem acr alneti [illegible] cem acr vulcarie quinq; acr ſre aque co[illegible] decem ſolitat reddꝫ communiam paſtur [illegible] omnibus averiis hic franc plen libera [illegible] rennam liberam pilcariam libertatem ſa[illegible] qñ ſectam curiarum & mercat theolon[illegible] tallagium & ꝓtagium catalla felonum fu[illegible] rivoꝝ utlagat & in exigend poſſ deod[illegible] catalla wadiat & extrabur cum ptiñ in A. [illegible] & C. necnon rectoꝝias de B. & C. cum p[illegible] ac omnes ac omnimod decimas eiſdem rectoꝝ[illegible] ſpectan & ptinen acetiam advocacon eccl[illegible] ſiarum de D. & E. ac advocaciones vicar[illegible]

ecclie

ecclesie de F. ut jus &c. Et unde dic' qd ipse-met fuit seisit' de tentis reddit' communia vic' franc' pleg' liberam warenna liberam piscariam libertate salvagii nundinis mercat' theolonio stallagio & picagio catallis felonum fugitivorum utlagat' & in exigend' posit' deodand' catallis waviat' extrahur' rectoriis & decimis pdict' cum ptin' in dominico suo ut de feod' & jure ac de advocationibus pdict' ut de feodo & jure tempore pacis &c.

Quando &c. Et gratis tenta reddit' communiam vic' franc' pleg' & liberam warenna liberam piscariam libertatem salvagii nundinas mercat' theolonium stallagium & picagium catalla felonum fugitivorum utlagat' & in exigend' posit' deodand' catall' waviat' extrahur' rectorias & decimas pdict' cum ptin' & advocationes pdict' ei war' &c. Et super hoc &c.

Hill. 1 Jac. Rot. 84.

Devon' ff. Pdict' Hundred' de A. cum ptin' ac maneria de A. & C. nec-non custod' Gaole Com' pdict' cum ptin' Ac-ciam centum meluagia &c. bolci jampnorum habuere reddit' vic' franc' pleg' cum ptin' in A. & B. ac advocation' ecclesie de E. ut jus &c. Et unde dic' qd ipsimet fuer' seisit' de Hundredo Pabilis custod' Gaole tentis reddit' vic' franc' pleg' pdict' cum ptin' in dominico suo ut de feod' & jure & de advocatione pdict' ut de feod' & jure &c.

Hill. 1 Jac. Rot. 26.

ſſ. Per manerium meſuag & tenementa
H. necnon nundinas mercat & vic fra
pleg cum ptin in H. &c.

Hill. 1 Jac. Rot. 21.

ſſ. Per ſcitum nup monaſterii fratrū
norum cum ptin ac unum meſuag cum pt
in B. Et unde dic qd ipſemet fuit ſeiſit
ſcitu & tenementis Poick cum ptin.

Hill. 1 Jac. Rot. 22.

ſſ. Per redd & libertat ſalvagii & curſu
ovium cum ptin.

Mich. 2 Jac. Rot. 63 & 69.

ſſ. Per unum meſuagium &c. & comm
niam paſtur p omnibus averiis ac duas p
quadraginț acr boſci in triginț & tres p
dividend cum ptin in A. &c.

Mich. 2 Jac. Rot. 187.

ſſ. Per dua paſſagia ultra aquam Th.
medietat manerii &c. fuit ſeiſit de paſſag
medietat Poick cum ptin in dominico ſuo
de feodo & jure &c.

Mich.

Mich. 2 Jac. Rot. 185, 186. Mich. 2 Jac. Rot. 72.

ll. Pet libertat quatuor falvagiorum cum ptin in C. &c.

ll. Pet reddit & libertat quatuor falvagiorum cum ptin in C. &c.

ll. Pet decimas portiones pentiones oblationa obventiones profitua & emolumenta quecunq rector de B. ptin necnon quandam portionem decimarum in B. acciam advocationem vicarie Pasch. 1 Jac. Rot. 60 & 62.

Pasch. 8. Jac. Rot. 163.

ll. Fuit seisit de manerio tenementis libera piscaria reddit rectoria decimis wardis mariag releviis escaet catallis fugitivorum felonum de se & in exigend pofit utlagatorum uxtinct & waviat cum ptin in dominico suo ut de feod & jure ac de advocacion pdict ut de feod & jure &c.

Pasch. 8 Jac. Rot. 163.

ll. Pet maneria tenementa & reddit in A. (except und mesuag duobus gardin &c. in A. ut jus &c. fuit seisit de maniis tentis & reddit pdict cum ptin (except pcept.)

Pasch. 16 Car. Rot. 59.

Lincoln ll. E. A. pet versus J. S. unum mesuagium & tresdecim acras tre cum per-

tiñ in M. & C. ac medietatem septem partium manerii de M. cum ptiñ in octo ptes dividend necnon medietat septem partium advocacoñ eccleſie de M. in octo partes dividend ut jus &c. unde dic qd iplemet fuit ſeiſit de tenementis & medietate ꝑdict ſeptem ptium manerii ꝑdict cum ptiñ in dominico ſuo ut de feodo & jure ac de ꝑdict medietat ꝑdict ſeptem ptium advocatioñ ꝑdict ut de feodo & jure &c.

Quando &c. Et gratis teñta & medietat ꝑdict ſeptem ptiñ manerii ꝓdicti cum ptiñ ac ꝑdict medietat ſeptem ptium Advocatioñ ꝑdict ei war &c.

Mich. 43 & 44 Eliz. Rot. 43.

ll. Pet Caſtrum & Burgum de C. cum ptiñ ac Hundred & Manium de C. & W. cum ptiñ necnon triginꝯ meſuag duo columbar triginꝯ gardiñ mille acr tre ducentꝯ acr boſci quingentꝯ acr ſampnorum & bruere quingentꝯ acr mariſci friſci ſex libratꝯ reddit vic franc pleg & hundinas & mercat cum ptiñ in C. & W. aceiam liberam piſcariam in aquis de A. C. & W. quę clam &c. Et unde dic qd iplemet fuit ſeiſit de Caſtro Burgo hundro manerio teñtis reddit vic franc pleg mercat & libera piſcaria cum ptiñ in dominico ſuo ut de feodo & jure &c.

ll. Pet manerium de B. cum pertiñ ac tria meſuagia unum molendinum unū Columbar ſex gardina centum acr tre vigtiꝯ acr ꝓrati quadꝛaginꝯ acr paſtur cum ptiñ in

B. &

B. & C. Et unde dic' qd ipsemet fuit seisit de manerio & tentis pdict cum ptin in dominico ut de feodo & jure tempore &c.

ff. Per unum messuagium cum ptin in N. &c. Et unde dic' qd ipsemet fuit seisit de messuagio pdict cum ptin in dominico suo ut de feod & jure tempore &c.

ff. Per duo messuagia cum ptin &c. seisit de tentis pdict cum ptin.

Mich. 15 Car. 2. Rot. 46.

Wiltes ff. Per Hundredum de W. cum pertin ac maneria de D. & S. cum pertin necnon parcum de L. cum pertin acceiam quadraginl messuagia mille acras tre cum ptin in D. &c. ac rectoria de S. cum ptin necnon omnes & omiod decimas annuatim crescen pvenien seu renovan in N. S. & N. Acceiam advocationes de C. & D. ut jus &c. Et unde dic' qd ipsemet fuit seisit de hundredo manerio parco tentis & rectoria pdict cum ptin ac decimis pdict in dominico suo ut de feodo & jure necnon de advocation pdict ut de feodo & jure tempore pacis &c. Quando &c. Et gratis hundredum manerium parcu tenta & rectoriam pdict cum ptin ac decimas & advocationes pdict ei war &c.

Per unam acram terre cum pertin &c. Et unde &c. seisit de pdict una acr tre cum ptin &c.

Per duas acras terre cum pertin &c. Et unde seisit de tenementis predict cum pertin &c.

Hill.

Hill. 6 Jac. Rot. 61.

ſſ. Recuperatio pe annuo reddit exeun de manerio &c.

Mich. 3 H. 8. Rot. 113.

Vid Common Recovery ſur Breve de Diſceit.

Hill. 5 Eliz. Rot. 10.

Notando. Br̃ dentrie vers un viſcount ſerr̃ illint noſme & nemy Seignior, en le Caſe de Seignior Mountague.

Bi mr̃oit lieu & Comd ou acc̃ ſerr̃ port p Priſot Pr̃ qõ reddat poit ẽe priſe ſi le fre eſt en Mill ou Hamlet ou lieu conus hors de Mill & Hamlet.

Mes p Moyle Aſſ. giſt en Hamlet ou lieu conus car ill recovera p view de Jurors illint in dower car la el viz. la demandant ne dr̃ fre en certe illint in treſpaſſe Mes precipe qõ reddat giſt dun mannor ſans mention de le mannor ẽ ſi le manor ſoit hors de Mill & Hamlet.

Leas pur vie Ceſtuy en reſ̃con voet ſuffer Common Recovery mes ne poet pur ceo que le Leſſee ad le Franktenement ergo la voy ceo eſt le Leſſee ſurrendra en reverſion & donqz ill poit ſuffer Recovery Mes pur le aſſurance del tenant que il nacha p̃judice per ſon ſurr̃ le uſe ẽ pur luy de faire le ſurr̃ ſur

See the Form of the Surrender at the end of this Book.

cond

cond̃ que ſi celuy en reverſion ne paya al Leſſee un grand ſum̃e dargent al un jour le ſurr̃ ſerr̃ void.

W. P. 99.

Upon view of the Deed that did lead the Uſes of a Recovery, in which the Town where the Lands lay was rightly named (*Sutton*) the Writ of Entry was amended where it was written *Sulton*.

Paſch. 39 Eliz. Rot. 28. Common Recovery d'un Advowſon ſur Breve de Droit d'Advowſon.

Bucks ſſ. Willus Palmer in ppria perſona ſua pet̃ verſus P. D. Clicum advocationem Eccleſie de P. quam ei injuſte deforc̃ &c. Et unde dic̃ qd̃ ipſemet fuit ſeiſit̃ de advocation̄ ꝑdict̃ ut de feodo & jure tempore pacis tempore Dñe Regine nunc (Et ſic inde ſeiſit̃ exiſtens) ad Eccleſiam illam vacan̄ pꝛeſentavit quendam Ric̃um R. Clericum ſuum qui ad ꝑſentationem ipſius W. P. fuit admiſſus & inſtitut̃ in eadem tempore pacis tempore Dñe Regine nunc qui quidem R. R. cepit inde exples̃ ut in groſſis decimis minutis decimis oblationibus & obventionibus ad valenciam &c. ut in jure Eccleſie ſue ꝑdict̃ Et qd̃ tale ſit jus ſuum offert &c. Et ꝑdict̃ P. in ppria ꝑſona ſua ven̄ & defend̄ jus ꝑdict̃ W. P. & ſeiſinam ſuam quando &c. Et tot̃

&c.

ꝛc. Et quicquid ꝛc. maxime de advocatione ꝑdict ut de feodo & jure ꝛc. Et voc' inde ad war' J. A. gen' qui ꝓsens est hic in Cur' in ꝓpria persona sua Et gratis hic in Cur' advocationem ꝑdict ei war' ꝛc. Et super hoc ꝑdict W. pet' versus ꝑdict J. A. tenen' per war' suam advocationem ꝑdict in forma ꝑdict ꝛc. Et unde dic' qꝫ ipsemet fuit seisit' de advocatione ꝑdict ut de feodo & jure tempore pacis tempore Dñe Regine nunc Et sic inde seisit' existen' ad Ecclesiam illam vacan' ꝓsentavit ꝑdict R. R. Clicum suum qui ad ꝓsentationem ipsius W. P. fuit admissus & institut' in eadem tempore pacis tempore Dñe Regine nunc qui quidem R. R. cepit inde exples' ut in grossis decimis minutis decimis oblationibus & obventionibus ad valenciam ꝛc. ut in jure Ecclesie sue ꝑdict Et qꝫ tale sit jus suum offert ꝛc. Et ꝑdict J. A. tenen' p war' suam defend' jus ꝑdict W. & seisinam suam quando ꝛc. Et totum ꝛc. Et quicquid ꝛc. maxime de advocation' ꝑdict ut de feodo & jure Et ultius voc' inde ad war' R. P. qui ꝓsens est hic in Cur' in ꝓpria persona sua Et gratis advocation' ꝑdict ei war' ꝛc. Et sup' hoc ꝑdict W. P. pet' versus ipsum R. Tenen' p war' suam advocation' ꝑdict in forma ꝑdict ꝛc. Et unde dic' qꝫ ipsemet fuit seisit' de advocation' ꝑdict ut de feodo & jure tempore pacis tẽpore Dñe Regine nunc Et sic inde seisit' existens ad Ecclesiam illam vacan' ꝓsentavit ꝑdict R. R. Clicum suum qui ad ꝓsentationem ipsius W. P. fuit admissus & institut' in eadem tempore pacis

tempore

tempore Dñe Regine nunc &c. qui quidem R. R. cepit inde exples ut in grossis decimis minutis decimis oblationibus & obventionibus ad valenciam &c. ut in jure Ecclesie sue ꝓdict Et qꝫ tale sit jus suum offert &c. Et ꝓdict R. Y. tenen ꝑ war suam defendꝫ jus ꝓdict W. Y. & seisinam suam quando &c. Et totum &c. Et quicquid &c. Et maxime de advocation ꝓdict ut de feodꝫ & jure &c. Et ponit se in magnam Assisam Dñe Regine Et ꝑt recogn inde fieri utrum ipse magis jus habet tenendꝫ advocationem ꝓdict ut tenens inde ꝑ war suam ut ill tenet an ꝓdict W. habendꝫ eandem advocationem ut ill superius ꝑt &c. Et ꝓdict W. Y. ꝑt licenc inde iuꝛꝛoquendi & habet &c. Et postea idem W. ven hic in Cur isto eodem Termino in ꝑꝛia ꝑsona sua Et ꝓdict R. Y. licet solempnit exact non ven set in contempt Cur recessit. Et defalt fac Ideo consideraꝛ est qꝫ ꝓdict W. Y. recuperet seisinam suam versus ꝓfat Y. de advocatione ꝓdict tenendꝫ eidem W. & heꝛed suis quiete de ꝓdict Y. & heꝛed suis Acciꝺ de ꝓdict J. A. & heꝛed suis necnon de ꝓdict R. Y. & heꝛed suis imꝑpetuum Et qꝫ idem Y. heat de ꝛra ꝓdict J. A. ad valenc &c. Et qꝫ idem J. A. ulꝛius heat le ꝛra ꝓdict R. Y. ad valenc &c. Et idem R. in mia &c. Et sup hoc ꝓdict W. ꝑt hꝛe Dñe Regine faciendꝫ ei plenaꝛ seisinam de advocation ꝓdict vic Com ꝓdict ꝛeꝛigendꝫ Et ei concedit &c. ꝛeꝛognabile hic a die Pas in quinq septimanas &c. Ad quem diem hic ven ꝓdict W. in ꝑꝛia ꝑsona sua Et vic vicit

A. L.

A. T. Ar modo mand qd ipse virtute brīs illius sibi directi vicesimo die Aprilis ultimo prētito here fecit ptaī W. P. plenar seisinam de advocation pdict put p brē illud sibi precept fuit.

Hill. 6 Jac. Rot. 20.

ff. Recuperacō in nēve de rēo Advocacionis cepit exples &c. ut in jure Ecclesie sue pdict.

Pasch. 14 Eliz. Rot. 427.

ff. In Consit Pēt natī super presentationem A. prīs sui & illi presentation suam ppr.

Hill. 6 Jac. Rot. 152.

ff. Recuperacō de advocatione quinte pti advocationis &c.

Mich. 2 Jac. Rot. 29.

ff. Pēt advocationem medietat Ecclesie de C.

Pasch. 23 H. 8. Rot. 336.

ff. Wl. S. J. A. & G. P. p E. 99. Attorn suum pēt versus R. Wl. & J. G. & J. W. manerium de N. cum pīnd ac octo mesuagiis octo gardinis trescent & decem acras ter septuaginī

tuaginꝯ acras ꝓati centum acras pasture triginꝯ acras bosci triginꝯ acras jampnoꝝum & huere & triginꝯ solidat reddit cum ptin in B. &c. ut jus & hereditatem suam Et in que idem R. J. & J. non hent ingressum nisi post dilleisinam quam Hugo Hunt inde injuste & sine judicio fec ꝑfat W. J. & G. post ꝓima &c. Et unde dic qꝫ ipsimet fuer seisit de manerio tenementis & reddit ꝑdict cum pertin in dominico suo ut de feodo & jure tempoꝛe pacis tempoꝛe Dñi Regis nunc capiend inde exꝑs ad valenciã &c. Et in que &c. Et inde ꝓnc fect &c.

Quoad 3 pars voc T.

Et ꝑdict R. J. & J. in ꝓpꝛiis ꝑsonis suis ven & defend jus suum quando &c. Et quoad ꝛciam ꝓtem manerii tenementoꝝum & reddit ꝑdict cum ptin voc inde ad war T. J. Ar qui ꝑsens est hic in Cur in ꝓpꝛia ꝑsona sua Et gratis eandem ꝛciam partem cum ptin eisdem R. J. & J. war &c. Et sup hoc ꝑdict W. J. & G. pet versus ipsum T. tenend per war suam ꝛciam ꝓtem ꝑdict cum ptin in forma ꝑdict &c. Et unde dic qꝫ ipsimet fuer seisit de ꝛcia ꝓte ꝑdict cum ptinen in dominico suo ut de feod & jure tempoꝛe pacis tempoꝛe Dñi Regis nunc capiend inde exꝑs ad valenciam &c. Et in quam &c. Et inde ꝓnc fect &c. Et quoad medietatem reſid manerii tenementoꝝum & reddit ꝓtem cum ptinen eidem R. J. & J. voc inde ad war A. P. gen qui ꝑsens est hic in Cur in ꝓpꝛia ꝑsona sua

Et

Et gratis eandem medietatem cum pertin eisdem R. J. & J. war &c. Et superhoc ꝓdict W. J. & G. petunt versus ipsum A. tenen ꝑ war suam medietatem ꝓdict cum ptin in forma ꝓdict &c. Et unde dic qꝺ ipsimet fuer seisit de medietat ꝓdict cum pertin &c. Et inde ꝓdue lect &c. Et quoad totum resꝺ manerii tenementorum & reddit ꝓdict cum ptin eisdem R. J. & J. voc inde ad war E. W. qui ꝑsens est hic in Cur in ꝑsona sua Et gratis resꝺ illud cum ptin eisdem R. J. & J. war &c. Et sup hoc ꝓdict W. J. & G. petunt versus ipsum E. tenen ꝑ war suam resꝺ illud cum ptin in forma ꝓdict &c. Et unde dic qꝺ ipsimet fuer seisit de resꝺ ꝓdict cum ptin Et in quod &c. Et inde ꝓdue sectam &c.

Le Common Vouchee.

Et ꝓdict M. A. & E. seperatim tenen ꝑ war suam seperatim defend sus suum quand &c. Et idem M. quoad ꝓdict sciam partem cum ptin versus eum petit ultius voc inde ad war N. W. qui ꝑsens est hic in Cur in ꝑsona sua Et gratis eandem medietat cum ptin ei war &c. Et ꝓdict A. quoad ꝓdict medietat cum pertin versus eum petit ultius voc inde ad war ꝓdict N. qui ꝑsens est hic in Cur in ꝑsona sua Et gratis eandem medietatem cum ptin ei war &c. Et ꝓdict E. quoad ꝓdict resꝺ cum pertin versus eum petit ultius voc inde ad war ꝓdict N. qui ꝑsens est hic in Curia in ꝑsona

sona

persona sua Et gratis remq; illud cum pertin et war &c. Et sup hoc pdict Wl. J. & G. petunt versus ipsum N. tenend p war suam maner tenta & reddit pdict integra cu ptin Et unde dic qd ipsimet fuer seisit de manerio tentis & reddit pdict cum ptin in dominico suo ut de feodo & jure tempore pacis tempore Dne Regine nunc capiend inde exples ad valenc &c. Et in que &c. Et inde pdict sect &c.

Et pdict N. tenens p war suam defend jus suum quando &c. Et dic qd pdict Hugo non debet inde vic pfat Wl. J. & G. de manerio tentis & reddit pd cu ptin put idem Wl. J. & G. p. breve & narrationem suas pdict supius supponit Et de hoc pon se sup patriam &c. Et pdict Wl. J. & G. pet licenc inde inde loquensi Et habent &c. Et postea idem Wl. J. & G. revend hic in Cur isto eodem Termino per Attorn suum pdict & pdict N. licet solempnit exact non revend fec in contempcum Cur recessit & default fac Ideo consideratu est quod pdict Wl. J. & G. recuperent seisinam suam versus pfat R. J. & J. de mañio tentis & reddit pdict cum ptin Et qd idem R. J. & J. habeant de tra pdict T. ad valenc pdict tcie partis supius versus eum petit &c. Et quod idem T. ulterius habeat de tra pdict N. ad valenc inde &c. Et qd idem R. J. & J. habeant de tra pdict A. ad valenc pdict medietat supius versus eum petit &c. Et qd idem A. ulterius habeat de tra pdict N. ad valenc inde &c. Et etiam qd idem R. J. & J. habeant de tra pdict E. ad valenc pdict residui supius

versus eum petit &c. Et quos idem E. nullus habeat de tra ꝓdict M. ad valenciã inde &c. Et idem M. in mia &c. Pasch. 23 H. 8. Rot. 426.

Simile Hill. 5 H. 8. Rot. 519.

Et quoad terciam partem tenementorum ꝓdict integrorum cum pertinen idem T. hoc inde ad usum M. qui ꝓsens fit &c. Et gratis &c. Et quoad medietat alterius terc ꝓtis ꝓdict tenementorum integrorum cum pertinen idem T. hoc inde ad usum W. qui ꝓsens &c. Et gratis &c. Et super hoc ꝓdict D. petit versus ꝓfat M. ꝓdict terciam partem cum pertin unde idem M. sup perius vocatur ad war &c. versus ꝓfat W. ꝓdict medietatem ꝓdict tertie partis cum pertin unde idem W. superius vocatur ad war &c. Et versus &c. Et unde dic qd ipsum super sectã de tentis ꝓdict integris cum pertin in ꝓdicis &c.

Mich. 41 & 42 Eliz. Rotulo 12. Quoad unam medietat &c.

Et ꝓdict R. per J. C. Attorn suum ven & defend jus suum quando &c. Et quoad unam medietat manerii tenementorum liberè ꝓfatar & communis pasture ꝓdict cum pertin hoc inde ad usum C. R. qui ꝓsens

&c.

et hic in Cur in propria persona sua Et
gratis eandem medietatem cum pertinen
ibem R. warant &c. Et quod alteram
medietatem reddi manerii tenementorum is-
dem pilcar & communie pasture predict cum
pertinen idem R. vocat inde ad war E. P.
qui similiter presens est hic in Cur in pro-
pria persona sua Et gratis eandem medie-
tatem cum pertin ei war &c. Et super
hoc predict R. & E. petunt versus ipsum
E. tenend per war suam medietatem pre-
dict cum pertin unde idem E. superius vo-
catur ad war &c. Et super hoc predict R.
& E. pet versus ipsum E. P. tenend per
war suam medietatem predict cum pertin
unde idem E. superius vocatur ad war in
forma predicta &c. Et unde pet quod ipse
met fuer seisit de manerio tenementis li-
bera pilcar & communia pasture predict in-
tegris cum pertinen in dominico suo ut de
feodo & jure tempore pacis tempore Domine
Regine nunc capiendo inde exitus ad valen-
tiam &c. Et in que &c. Et inde produc
sectam &c. Et predict E. & E. P. seperat-
im tenen per war suam seperatim defend
jus suum quando &c. Et idem E. quoad
predict medietatem cum pertinen superius
versus eum petit ulterius vocat inde ad war
E. P. filium ipsius E. qui presens est hic
in Cur in propria persona sua Et gratis
eandem medietatem cum pertinen ei war
&c. Et super hoc predict R. & E. P. pet
versus ipsum E. P. tenend per war suam
medietatem predict cum pertinen unde ipse

superius vocatur ad war in forma predict &c. Et unde dic quod ipsimet fuer seisit de medietate ilr cum pertinen simulcum altera medietate manerii &c. cum pertinen in dominico suo &c. Et inde proque sectam &c. Et predict T. B. tenen per war suam defend jus suum quando &c. Et quoad predict medietatem cum pertinen superius versus eum petit ulterius voc inde ad war R. H. qui presens est hic in Cur in propria persona sua. Et gratis eandem medietatem cum pertinen ei war &c. Et predict T. H. quoad predict medietatem &c. resid cum pertinen superius versus eum petit ulterius voc inde ad war prefat R. H qui presens &c. Et gratis medietatem predict resid cum pertinen ei war &c. Et super hoc predict R. & T. N. pet versus ipsum R. H. tenen p war suam manerium &c. integra cum pertinen in forma predict &c. unde dic quod ip fuit seisit de &c. integra cum pertinen in dominico suo ut de feod & jure &c. [Et quod predict H. &c. non disseisivit prefat peten de manerio &c. integris cum pertinen prout &c. Et predict peten pet licenciam &c.] Ideo consideratum est quod predict petentes recuperent seisinam suam versus prefat Tenen de manerio &c. integris cum pertinen. Et quod idem R. habeat de tra predict E. ad valenciam medietat predict superius versus eum petit &c. Et quod idem E. ulterius habeat de tra predict T. B. ad valenciam &c. Et quod idem T. B. ulterius habeat

de

de terra predict R. Y. ad valenciam inde &c. Et similit quod idem teneñ habeant de terra predict T. Y. ad valenciam mesuar superius versus eum penit &c. Et quod idem T. Y. ulterius habeat de terra predict R. Y. ad valenc inde &c. Et idem R. Y. in mia &c.

Pasch. 40 Eliz. Rotulo 75. Certificacõ war' Attorn' per Executor' Justic' per Breve de Certiorar'.

Memorandum quod G. S. Arm' unus Executorum testamenti F. B. nuper unius Justic Domine Regine de Banco hic vicesimo die Maii isto eodem termino dicunt brevis eiusdem Dñi Regine sibi directi quod sequit in hec verba Eliz. &c. (recitando tot breve) mis hic fuit war' Attorn' inde in eodem brevi fit mencõ que sequit in hec verba Eliz. &c. Trin 23 Car. Rot. 24.

Autiel.

Memorand quod T. J. gen̄ & G. Y. gen̄ executor' testamenti J. W. nuper unius Justic' Domine Regine de Banco hic vicesimo primo die Novembris isto eodem termino deliberaver' hic in Cur' brevia annex' quorum tenor sequitur in hec verba Eliz. &c. Aliter p Exec Justic'.

Pasch 3 & 4 Ph. & M. Rot. 623.

Aliter per Exec' servien ad Legem.

[illegible] Memorand quod B. C. Mil' Executus testi R. C. nuper servien' Dñi. Regis & Dñe Regine ad legem que sola ministravit bona & catalla pdict R. (tli die) illo eodem Termino virtute brevis dict Dñi Regis & Dñe Regine Reverendo in Christo Patri & pdilecto Consiliar' eorundem Dñi Regis & Dñe Regine M. Elien Episcopo & pfat B. C. nomina &c. Exec' testi R. C. &c. quod sequit in hec verba Philippus & Maria &c. (recit' [illegible] pdict quod quid' [illegible] pfat Clerici dictorum Dñi Regis & Dñe Regine de Banco [illegible] fiarum coram eisdem sequit in hec verba. Co' rubr. Precipimus [illegible]

Trin 3 Eliz. Rot. 915.

Nota.

In Cõi recuperac Tenens, voc ad war & le Vouchee pet quid het a lup lier a garrant & tenend pfat finem levat p le vouch & ip̃ t warrant.

Et pdict le vouch dic quod ipse non potest [illegible] pdict levasset [illegible] Tenentis & redd pdict cum pertin' quia ipse eadem Manoria &c. pfat tenend' heredib suis contra ipsum le Vouchee & heredes suos warrantizare debeat Et eadem Manoria &c. eidem tenend' war Et super hoc &c.

Trin

Trin 3 Eliz. Rot 140.

In ingru' in le Post tenend hoc T. M. qui comperuit e per quod Post tenend ostend quod Specialitatis sibat p ad mar debeat. Et virtud Cartam cum mar &c. Nota.

Dyvinat fuit p Cur' ad mar Intend tam p Tenend quam p Molendin' intrentur de Termino Sanct Hillar Anno secundo Eliz. Regine int Stevens & Prestlay & Water-houle p Tentis in Com Ebor Trin 29 Eliz. Notanda.

Waters are not demandable by that Name in a Precipe, but the Land whereupon the Water ſtandeth or floweth, as bigint acras terre aqua cooperte, Co. Lit. fo. 4. a.

Gurges a deep Pit of Water; a Gors or Gulf conſiſteth of Water and Land, and therefore by the Grant thereof by that Name, the Soil doth paſs, and a Precipe doth lie thereof, and ſhall lay his eſplees in taking of Fiſhes, as Bream, Roches, &c. *ib. fo.* 5, 6. Stadium Ferlingus or quarentena terre is a Furlong of Land, and will paſs by that Name, and ſome hold that by that Name it may be demanded, *ibid.*

Many things may paſs by a Name, that by the ſame Name cannot be demanded by a Precipe (for that doth require more preſcript Form) but whatſoever may be demanded by a Precipe, may paſs by the ſame Name by way of Grant, *ibid.*

Trin 37 Eliz. Rot 2078.

Nota. Morgan & Owen, terr fuit done al Baron & Feme & al heirs del Corps le barō engender perent eux le: bar solemt suffer un Cōmon recovery. Agreē p touts les Justices que c Recovery fuit void a barr lestate Tayl: le reason fuit p ceo que le recompence ne ala al feme, car si le baron ad fait feoffment in Fee & repris estate & puis suffer un recovery come il puissoit, la le Recovery ad ee del auter estate.

Nota. If the first Tenant in Tail doth not discontinue, then a single Voucher serves, but if there be a discontinuance (as thus, the first Tenant in Tail makes a Feoffment, and then takes back an Estate Tail) then it must be a double Voucher.

T. Waller.

Pasch 20 Car Regis 2. Rot 2.
Wyrley Bedd.

ll. Precipe R. D. Jun Gen quod iuste &c. reddat R. G. Sen Gen Manerium de Podington cum ptin ac viginț & quinq Messuag tria tofta unum molendinū ventriticum duo Columbar viginț & quinq Gardina octingenț & quinquaginț Acr Terre quadraginț & quinq Acr Prati centum Acras pasture seragiț & quinq Acr Bosci quingenț Acr Jampnorum & Bruere sex Librat Reddit

Coram

Loiam Pastur p omnibus averiis libam pis-
ariam libam Warennam Vic Franc Pleg
Bona & Catalla wabiat & extrabur Bona &
Catalla Felon Fugitivorum Utlagat at-
inct felon de se deodand Thesaur invent &
omnes Jurisdictiones Franches & Libertat
cum ptin in P. H. L. alias L. S. & W.
Necnon Rectoriam de P. cum ptin acetiam
omnes & omnimod Decimas Oblationes
Portiones & Pentiones annuatim provenien
crescen seu renovand in P. ac Advocation
Vicarie Ecclesie de P. que clam &c.

Et unde dic qd ipsemet fuit seisit de Ma-
nerio Tenementis Reddit Communia liba
Pisearia libera Warenna Vic Franc pleg
Bonis & Catallis wabiat & extrabur Bonis
& Catallis Felonum Fugitivorum Utlagat
attinct Felon de se Deodand Thesaur in-
vent & omnibus Jurisdictionibus Franches
libertat Rectoria Decimis Oblationib9 Por-
tionibus & Pentioniqus pdict cum ptin in
dominico suo ut de feodo & jure ac de Advo-
tione pdict ut de feodo & jure tempore pa-
cis &c.

Et gratis Mañia Tenemta Reddit Com-
munia liberam Piscariam liberam Warren-
nam Vic Franc Pleg Bona & Catalla Wa-
biat & Extrabur Bona & Catalla Felon
Fugitivorum Utlagat attinct Felon de se
Deodand Thesaur invent & omnes Juris-
dictiones Franches Libertates Rectoria De-
cimas Oblationes Portiones & Pentiones
pdict cum pertinen ac Advocationem pdict
ei war &c.

Nota

Nota semper dicere, Quod Demandans [illegible] seisit de omnibus parcellis quibuscunq; dominico suo ut de feodo & jure nisi sic de [illegible] vocatione & tunc omitte verba (in dominico suo) ut infra apud hoc signum *

Et unde dic qd ipsemet fuit seisit de [illegible] nentis Tenementis & revoc' pdict cum pertin' in dominico suo ut de feodo & jure ac de * [illegible] vocatione pdict ut de feodo & jure tempo[illegible] &c.

Et gratis Maneria Tenementa & Re[illegible] dit pdict cum pertinen' ac Advocationem p[illegible] dict &c.

London ll. Pzcipe C. H. Geid quod fu[illegible] &c. reddat H. P. Geid trelpectin Meluag[illegible] cum pertin' in Parochij Sancti Andree H[illegible] hoin que clamit &c.

De 13 Meluag.

Et unde dic quod ipsemet fuit seisit de Pe[illegible] luaglis pdict cum pertin' in dominico suo u[illegible] de feodo &c.

De quatuor Acris Prati.

Et unde dic qd ipsemet fuit seisit de qu[illegible] tuor Acris pdict cum pertin' in dominico p[illegible] Et in quas &c. Et inde pduc' sectam &c.

De duobus Communiis.

ll. Pzcipe A. B. & C. D. ser Meluag[illegible] &c. Communiam Pastur' p omnibus Ac[illegible]

Communiam Turbarie cum pertin' &c. Et unde dic' ad ſeiſit' ſuis de Tenentis & Communis dict' in dominica ſua &c.

Note, The moſt proper way to find out a Recovery formerly paſſed, is to ſearch with the Clerk of the Warrants, who uſeth to take Notes out of all the Plea Rolls of all the Prothonotaries Offices, and enters them diſtinctly and fairly into a Regiſter-Book, every Office by it ſelf, and alſo the Number of the Roll.

The Form of a Surrender or Leaſe to make a Tenant to the Precipe for a Common Recovery.

THis Indenture made, &c. between *A. B.* of &c. of the one part, and *C. D.* of, &c. of the other part; Witneſſeth, That whereas the ſaid *A. B.* doth hold for the Term of his Life, one Meſſuage &c. in *D.* in the County of *E.* the immediate Reverſion or Remainder whereof doth belong to the ſaid *C. D.* and his Heirs, or to the Heirs of his Body lawfully begotten, for ever. Now the ſaid *A. B.* for the perfecting of ſome Aſſurance ſhortly to be made of the ſame Meſſuage, &c. by way of Common Recovery, hath granted and ſurrendred, and by theſe Preſents doth grant and ſurrender

render unto the ſaid *C. D.* and his Heirs upon the Condition herein after mentioned, all the ſaid Meſſuage &c. and all the Eſtate, Right, Title and Intereſt of the ſaid *A. B.* therein **To have and to hold** to the ſaid *C. D.* and his Heirs upon Condition, That if the ſaid *C. D.* do not pay or cauſe to be paid to the ſaid *A. B.* the ſum of one thouſand Pounds of lawful Engliſh Mony upon the firſt day of &c. next enſuing after the date hereof, That then and from thenceforth this preſent Grant and Surrender ſhall be utterly void and of none Effect: And that then alſo it ſhall and may be lawful to and for the ſaid *A. B.* into the ſaid Meſſuage &c. to re-enter, and the ſame to have again, repoſſeſs and enjoy as in his former Eſtate and Right, any thing in theſe Preſents to the contrary in any wiſe notwithſtanding. In **Witneſs**, &c.

A Leaſe and Releaſe, to make one Tenant to the *Precipe* in a Recovery, and lead the uſe thereof.

A Leaſe for a year (by way of Bargain and Sale, according to the Statute.)

This Indenture made &c. Between *T. H.* of, &c. of the one part, and *I. B.* of, &c. of the other part, **Witneſſeth**, That the ſaid *T. H.* for, and in conſideration of the Sum of Five Shillings of lawful Mony of *England* to him in hand paid by the ſaid *I. B.* at or before the Enſealing and Delivery of theſe Preſents, the Receipt whereof is hereby acknowledged; Hath bargained

bargained and ſold, and by theſe Preſents doth bargain and ſell unto the ſaid *I. B.* All, &c. To have and to Hold the ſaid &c. Tenements, Hereditaments and Premiſes, with the Appurtenances hereby bargained and ſold, or mentioned or intended to be hereby bargained and ſold unto the ſaid *I. B.* his Executors, Adminiſtrators and Aſſigns, from the day next before the day of the Date of theſe Preſents, for, during and unto the full end and term of one whole year from thence next enſuing, and fully to be compleat and ended: To the intent and purpoſe that the ſaid *I. B.* may be the better enabled to receive and take a Grant or Releaſe of the Premiſes hereby bargained and ſold, or mentioned or intended to be hereby bargained and ſold to him and his Aſſigns, for and during the Natural Life of the ſaid *T. H.* in ſuch ſort, manner and form, as in and by one Indenture intended to bear Date the day next after the day of the Date of theſe Preſents, the ſame ſhall be granted, releaſed and conveyed. In Witneſs, &c.

The Releaſe.

THis Inventure Tripartite made &c. Between *T. H.* of the firſt part, *I. B.* of the ſecond part, and *R. H.* of &c. of the third part. Witneſſeth, That the ſaid *T. H.* for and in conſideration of the Sum of five Shillings of lawful Mony of *England* to him in hand paid by the ſaid *I. B.* at or before the Enſealing and Delivery of theſe Preſents, the Receipt whereof is hereby acknowledged: Hath given, granted, releaſed

released and confirmed, and by these Presents doth give, grant, release and confirm unto the said *I. B.* All &c. late in the Tenure or Occupation of the said *T. H.* (but now all in the actual possession of the said *I. B.* by force of an Indenture of Bargain and Sale thereof made, bearing Date the day before the Date of these Presents, and of the Statute for transferring of Uses into possession being) To Have and to Hold All and singular the said, &c. and all and every the Premises with the Appurtenances hereby given, granted, released and confirmed, or mentioned or intended to be hereby given, granted, released and confirmed unto the said *I. B.* and his Assigns, for and during the Natural Life of the said *T. H.* To the intent and purpose that the said *I. B.* shall and may be perfect Tenant of the Freehold of all the said Lands and Premises, until one or more good and perfect Recovery or Recoveries may be had against him the said *I. B.* of the same Lands and Premises. And it is covenanted, granted, concluded and agreed by and between all the said Parties to these Presents, That it shall and may be lawful to and for the said *R. H.* before the last day of *Hill.* Term next ensuing the Date of these Presents, to prosecute out of the High Court of *Chancery* one or more Writ or Writs of Entry, *sur Disseisin en le post* against the said *I. B.* returnable in the Court of *Common Pleas* at *Westminster*, whereby the said *R. H.* shall and may respectively demand against the said *I. B.* all and singular the aforementioned Premises with the Appurtenances by such Name

or

or Names, Quantity or Quantities, Quality or Qualities, Numbers or Content of Acres as ſhall be thought fit and requiſite, unto which ſaid Writ or Writs the ſaid *I. B.* ſhall appear in proper Perſon, and ſhall vouch to Warranty *T. H.* who ſhall appear *gratis* upon the Vouchier, and ſhall enter into Warranty, and ſhall vouch over to Warranty the common Vouchee, and the common Vouchee ſhall appear and imparle, and afterwards make default, whereby one or more Recovery or Recoveries, Judgment or Judgments, may be had and given for the ſaid *R. H.* for Recovery of the ſaid &c. Tenements Hereditaments and Premiſes aforeſaid, againſt the ſaid *I. B.* and for the ſaid *I. B.* to recover over in value againſt the ſaid *T. H.* and for the ſaid *T. H.* to recover over in value againſt the Common Vouchee, according to the manner and form of Common Recoveries in ſuch Caſes uſed. And it is further covenanted, granted, concluded, agreed and declared by and between all and every the ſaid Parties to theſe Preſents, and the true intent and meaning of the Parties to theſe Preſents is; That from and immediately after the ſaid Common Recovery or Recoveries ſhall be had, proſecuted and ſuffered as aforeſaid, of the ſaid Premiſes, The ſaid Recovery or Recoveries ſhall be and enure, and ſhall be conſtrued, eſteemed, adjudged, and taken to be and enure, and are hereby declared to have been intended to be and enure, That the ſaid *R. H.* and all and every other Perſon and Perſons which ſhall be ſeiſed of the Premiſes or any part thereof, by force or vertue of the ſaid Common Recovery or Recoveries

veries ſhall ſtand and be ſeized thereof, and of every part and parcel thereof with their and every of their Appurtenances to the only uſe and behoof of the ſaid *T. H.* his Heirs and Aſſigns, and to no other uſe, intent or purpoſe whatſoever. In Witneſs, &c.

Concerning the Operation and Effect of Recoveries.

9 *Co.* 127. 3 *Co.* 80.

A Common Recovery is much of the Nature of a Fine, but is better in regard it bars Remainders and Reverſions; upon a Recovery an Uſe may be averred as well as upon a Fine; it is a formal and orderly Aſſurance of Lands, and it may be avoided, if ſuffered by Covin to deceive purchaſers, or any uſurious Contract as another fraudulent Conveyance. That it hath great favour from the Law, many of the Inheritances of the Kingdom depending upon this Aſſurance, and no Error, except it be a notorious and groſs Error in it, will make it voidable; for that it is done by conſent, and doth ſuppoſe a Recompence in value to all perſons that loſt the Eſtate.

1 *Co.* 22. 62. 5 *Co.* 41. 10. 37, 39. 7 *H.* 8. 4. *Jenk. Cent.* 6. *ca.* 35, 39. See *Doct.* & *Stud.* 41, 49, 50.

Stiles Rep. 450.

Stranger not barred.

That a Stranger, that hath Right to the Land at the time of the Recovery ſuffered, is not barred at all by the Recovery or by his Laches of Non-Claim, *&c.* as in the Caſe of a Fine, 3 *Co.* 5.

Condition not to alien, barr'd

That a Condition, that a Donee in Tail ſhall not alien is void; and therefore ſuch a Donee in Tail

Tail may, notwithstanding such Condition by Recovery bar it, 9 *Co.* 127.

That he that is in an Estate in Possession by Title above the Recovery, shall not be bound by the Recovery, 1 *Co.* 96. *a.* — Title paramount.

That a Recovery with single Voucher cannot be a Bar of an Estate Tail, to which he that suffers the Recovery has only a Right at the time of the Recovery suffered, 3 *Cro.* 828. — The Recoveree not seised.

That the Recoverers are not in Seisin of the Land till Execution, albeit the Land be in Lease for years, *Moor* 137. — Recoverers not in Seisin till Execution.

That if a Recovery be had against a Tenant in Tail, and Judgment entred, and the Tenant in Tail die before Execution, yet Execution may be sued against the Issue in Tail, 1 *Co. Shelley's* Case, *Moor* 137. — Tenant in Tail dies, Execution sued against the Issue in Tail.

That whosoever may suffer a Recovery, he or she may declare the Uses of it, 10 *Co.* 42. — Uses declared.

The Statute of 7 *H.* 8. *ca.* 4. shews how Recoverers may distrain for Rent, *&c.* — Distress for Rent.

Stat. 21 *H.* 8. *ca.* 15. shews how Termor for years may falsifie a feigned Recovery, and that a Recoverer may have the same Remedy for Rent, Wast, *&c.* as the Recoveree had: and — Termor for years may falsifie Recovery.

That no Statute-Merchant, Staple or Execution by *Elegit* shall be avoided by such feigned Recovery. — Statute not avoided by Recovery.

That no Heir in Tail (the Reversion and Remainder in the King) shall be barred by Common Recovery, *Stat.* 34 *&* 35 *H.* 8. *ca.* 20. but this is supposed, where the Land is of the King's Gift, and not of a Subject. — The Reversion in the King. *Moor* 344.

As if Tenant for Life make a Leaſe for years, and the Leſſee doth make a Feoffment in Fee, and the Feoffee ſuffereth a Recovery and voucheth the Tenant for Life, it is not good againſt the Reverſioners or Remainders.

By *Stat.* 34 *Eliz. ca.* 8. Recoveries had o
proſecuted by Agreement (or by Covin) agai
Tenants by the Curteſie, Tenants in Tail af
Poſſibility of Iſſue extinct for Term of L
or Lives, or of Eſtates determinable upon Li
or Lives, *&c.* ſhall be void, as againſt the Re
verſioners or them in Remainder, and again
their Heirs and Succeſſors.

But this Act is not to prejudice any perſo
that ſhall by good Title recover any Lands, *&c.*
without Fraud by reaſon of any former Righ
or Title; alſo every ſuch Recovery had by A
ſent and Agreement of the perſon in Reverſion
or Remainder appearing of Record in any o
the Queens Courts, ſhall be good againſt th
Party ſo aſſenting. But this Aſſent muſt ap
pear upon the ſame Record either upon a Vou
cher, Aid Prier, Receipt, or the like, and no
by any extrajudicial Entry or *Memorandum*
Co. Lit. 362.

Affent upon Record.

Recovery ſuffered by Spiritual perſons.

Recovery by Spiritual Perſons, as Biſhop,
Dean, Parſon, Vicar of their Spiritual Lands
ſhall not bind their Succeſſors. See *Stat.* 32 *H.* 8.
ca. 28. 13 *Eliz. ca.* 20. 14 *Eliz. ca.* 11. 18
Eliz. ca. 10, 20. *Co. Lit.* 441.

Tenants for Life, and he in the Remainder vouch the Common Vouchee, *Co.* 3. 6.

But if Tenant for Life, and he in Remainder
in Tail ſuffer a Common Recovery, and both
vouch the Common Vouchee, this is held to
be no good Recovery to bar the Iſſue in Tail,
1 *Co.* Marquis of *Wincheſter's* Caſe. For he in
Remainder was not Tenant to the Precipe being
not in poſſeſſion.

But if there be Tenant for Life, the Remain- Tenant for Life vouches Tenant in Tail and he vouches over the Common Vouchee.
r in Tail, the Reverſion or Remainder in Fee,
d the Tenant for Life is impleaded by Agree-
ent, and he vouch the Tenant in Tail, and
e vouch over the Common Vouchee; this
ill bar the Reverſion or Remainder in Fee, al-
ough he in the Reverſion or Remainder did Bar without Aſſent.
ever aſſent to the Recovery.

So if the Tenant for Life ſurrender to him in Surrender to Tenant in Tail.
emainder in Tail, he may ſuffer a Recovery,
nd bar the Eſtate Tail, *Co. Lit.* 362. See the
orm of a Surrender at the end of this Book.

As to Recoveries by Covin take this in ge-
neral.

That if the Tenant for Life ſuffer a Common Recovery by Tenant for Life by Covin.
Recovery without the Aſſent of him in Rever-
ion, this is void by the Statutes 32 *H.* 8. *ca.* 31.
4 *Eliz. ca.* 8. And will be a Forfeiture of the Forfeiture.
Eſtate of Tenant for Life, ſee 1 *Co. Pelham's*
Caſe.

And yet if Tenant in Tail in Poſſeſſion or Re-
mainder ſuffer a Common Recovery by Agree-
ment in any caſe (except where the Reverſion
is in the King) this is good and may not be
falſified as done by Covin; ſo where Tenant
for Life is, the Remainder in Tail or Fee, and
the Tenant for Life ſuffer a Common Recovery
and vouch over him in the firſt Remainder in
Tail, or him in the next Remainder in Fee,
this is not Fraudulent, but a Bar to the Eſtate
Tail, &c. 10 *Co.* 43, 49.

And yet if the King give Land in recompence Recovery fraudulent againſt the King
of any Service done to him or for other Cauſe,
and the Tenant in Tail, whilſt the Reverſion is

in the King, ſuffer a Common Recovery th ſhall be ſaid to be fraudulent and void as agai the King and his Succeſſors by the Stat. 34 *H.* *ca.* 20. 10 *Co.* 48. *Plowd.* 54.

And it is to be known, that upon the Sta 14 *Eliz.* of feigned Recoveries, that thereb no Reverſion or Remainder expectant upon a Eſtate Tail is preſerved where the Tenant fo Life is impleaded, and Tenant in Tail vouched for where the Tenant in Tail is Party to th Recovery it cannot be by Colluſion, becauſe i is in the power of him to Dock the Remainde and Reverſion, 10 *Co.* 45. *Et quia jus & fraus nunquam cohabitant.*

No Covin where Tenant in Tail is Party.

Alſo if Land be conveyed by a Husband o any of his Anceſtors to the Wife for her Life or to her and her Husband and their Iſſue i Tail for the Joynture of the Wife: And afte the Husbands Death the Wife alone, or ſhe an an after Husband ſhall ſuffer a Common Reco very of the Land; this ſhall be eſteemed frau dulent and void by the Statute, 11 *H.* 7. *c.* 20. But more of this hereafter.

Wife ſuffers a Recovery of the Lands ſetled to her in Jointure is fraudulent.

Recoveries by Husband and Wife.

Husband and Wife join.

THat a Common Recovery ſuffered by a Woman Covert that hath an Husband, who doth joyn with her in the Recovery, is good and will bind them, their Heirs, and all others; but if ſhe be an Infant, and appears as Vouchee by her Attorny, this Recovery will not bind her 10 *Co.* 43. *Plowd.* 515. *Bridg. Rep.* 69, 70, 71.

Wife an Infant.

If there be Tenant for Life, Remainder to Husband and Wife and their Heirs, and the Husband and Wife ſuffer a Recovery, being vouched by the Tenant for Life, this ſhall bind the Wife, *Stiles Rep.* 320.

Remainder to Husband and Wife.

If the Husband and Wife be joint Tenants of any Eſtate in Fee Simple or Fee Tail of Land before Coverture, and the Husband alone ſuffer a Recovery of it, this is good for a Moiety.

Husband and Wife joint-tenants before Coverture Recovery by Husband alone.

And if Husband and Wife be joint Tenants after the Coverture, and then they ſuffer a Recovery together, this will bind them.

Joint Tenants after Coverture Recovery by both.

Alſo if Husband and Wife be joint Tenants for Life of Land, the Remainder to the Heirs of the Husband, and they ſuffer a Recovery of it, this is no Bar to the Iſſue for any part of the Land, *Moor* 350. See after.

Husband and Wife Joint-tenants Remainder to the Husbands Heirs.

Where Lands are given to a Man and his Wife and the Heir of the Body of the Wife, or to the Wife and the Heirs of her Body, and the Writ of Entry is brought againſt the Husband and Wife, and they vouch the Common Vouchee; theſe are good Recoveries, and will bar the Eſtates of the Husband and Wife, and of them in Remainder and Reverſion expectant thereupon, *Lit. Bro.* 37, 81.

Lands given to Husband and Wife and the Heirs of the Body of the Wife.

Where a Man hath Land in which his Wife has a Joynture, or to which ſhe will have Title of Dower after his death; if in this Caſe the Writ of Entry be brought againſt them both, and they vouch the Common Vouchee, and ſo a Recovery is had, this Recovery will bar them both; but not if againſt the Husband alone without her of any ſuch Eſtate by a Recovery,

Recovery of the Wifes Joynture.

How good.

How void.

Lands given to Husb. and Wife and the Heirs of the Body of the Husband Remainder over.

for ſhe may falſifie and avoid it after his death, *Plowd.* 514. 3 *Co.* 5.

If Land be given to Husband and Wife and the Heirs of the Body of the Husband, the Remainder over, and the Husband alone ſuffer a Common Recovery, this is no Bar to the Remainder, 3 *Co.* 5.

Husband Tenant in Tail Remainder to the Wife in Tail, Husband ſuffers a Recovery.

If the Husband be Tenant in Tail, the Remainder to the Wife in Tail, and he ſuffer a Recovery of the Land; by this ſhe is barred.

Land to two and the Heirs of one, Remainder over Recovery by one good for a Moiety.

And yet if Lands be given to two others and the Heirs of the Body of one of them, the Remainder over to a Stranger, and the Writ of Entry is brought againſt one of them, and he vouch the Common Vouchee, and ſo a Recovery is had; this is a good Recovery, and Bar to all the Eſtates for one half of the Lands, 3 *Co.* 5, 6.

But betwixt the Husband and Wife there are no Moieties, 3 *Co.* 5, 6.

Recovery ſuffered by Wife of her Eſtate, in Dower, for Life, or in Tail of the Inheritance or Purchaſe of the Husband, *&c.* Void,

But all this notwithſtanding if a Woman that has an Eſtate in Dower, for Life or in Tail, joyntly with her Husband, or only to her ſelf, or to her uſe in any Lands, &c. of the Inheritance or Purchaſe of her Husband, or given to the Husband and Wife by the Husbands Anceſtors, or any ſeiſed to the uſe of the Husband or his Anceſtors, do after the Husbands death ſole (or with another Husband) ſuffer a Recovery of it; it ſhall be void. And he to whom the Land ought to belong after the death of the ſaid Woman may enter as if the Woman was dead; and yet if in this caſe ſhe doth it with the Conſent of the next Heir, or ſhall join with him, that is a good Recovery; or if the Writ be brought againſt her, and ſhe vouch

the

the Heir in Tail, and ſo the Recovery is had, *Stat.* 11 *H.* 7. 20. 3 *Co.* 58, 59, 60.

A Common Recovery ſuffered by one that hath Fee-ſimple of Land, will bind him that ſuffers it, his Heirs, and all others. Recovery by one that hath Fee-ſimple.

If a Mortgagee ſuffer a Recovery, this will not bind the Mortgagor, but if the Mortgagor be a Party to the Recovery, the Recovery will be good, 2 *Cro.* 592, 593. By a Mortgagee.

If one deviſe Land to another and his Heirs as long as *J. S.* hath Iſſue of his Body: In this Caſe no Recovery will ſeclude or bar him that made the Gift of his poſſibility to have the Land again, unleſs he be a Party to the Recovery by Voucher: For a Recovery againſt a Tenant in Fee-ſimple ſhall never bind a Collateral Intereſt, Title or Poſſibility; as a Condition, Covenant or the like, 2 *Cro.* 593. How to bar him that hath a poſſibility of a Reverter upon a Demiſe Conditional. Collateral Intereſt.

If *A.* be Tenant in Tail, the Remainder to *B.* in Tail, Remainder to *C.* in Tail, Remainder to *D.* in Fee. *A.* makes a Feoffment, and the Feoffee ſuffers a Recovery, and doth vouch *B.* who voucheth over: By this Recovery *A.* is not barred at all, but *B. C.* and *D.* are barred of all their Remainders, 3 *Co.* 6. Three Tenants in Tail, Remainder in Fee. Firſt Tenant makes a Feoffment, Feoffee ſuffers a Recovery, & vouches the 2d Tenant in Tail

It is ſaid, That if Land be to *E.* for Life, the Remainder to *B.* in Tail, the Remainder to *C.* in Fee: *B.* dieth (his Wife being young with Child of a Son) and a Recovery is had againſt *E.* with the aſſent of *C.* and afterwards a Son is born; In this Caſe the Son ſhall not be holpen by the Statute 32 *H.* 8. For that the Remainder was not *in eſſe* at the time of the Recovery, 2 *Leon.* 224. *Caſe* 285. *Quære de hoc.* By Tenant in poſſeſſion.

Feoffment to Father for Life, Remainder to the eldeſt Son in Tail and his Heirs, and Recovery is ſuffered by the Father before the eldeſt Son is born, who after is born and hath a Son.

So if a Feoffment be to the uſe of himſelf for life, and after of his eldeſt Son in Tail, and after of his Heirs (not having any Son at the time of the Feoffment made) after he ſuffers a Common Recovery, and hath Iſſue a Son, who dieth in the Life of his Father, having Iſſue a Son, and after he dieth; In this Caſe the Son, and Heir of the Son may not avoid this Recovery by 32 *H.* 8. 2 *Leon.* 224. but may avoid it by Common Law, 2 *Leon.* 224.

It is a Rule, that where the Eſtate Tail in Poſſeſſion is not barred by a Recovery, there the Eſtate in Reverſion or Remainder is not barred. *Quod non in magis propinquo, non in magis remoto valebit*; and ſo it is *e converſo*, where the Eſtate Tail in Poſſeſſion is barred by the Recovery, all the Remainders and Recoveries, Conditions, Charges, Incumbrances and Eſtates dependent upon it are barred alſo, except in ſome ſpecial Caſes where the Reverſion or Remainder is in the King. And therefore if *A.* be Tenant in Tail, the Remainder to *B.* in Tail, the Remainder to *C.* in Fee, and *B.* or *C.* doth make a Leaſe for years of the Land, or grant a Rent-Charge out of the Land, or enter into a Statute or the like, or grant the Remainder or Reverſion upon Condition, and after *A.* doth ſuffer a Common Recovery of the Land and then dieth without Iſſue, in this caſe the Recoverer will hold the Land diſcharged of all theſe Eſtates, Remainders and Charges, 1 *Co.* 62. *Fenk. Cent.* 6. *c.* 41. 6 *Co.* 43. *Moor* 298.

Two Tenants in Tail, Remainder in Fee; the 2d Tenant in Tail or he in Fee makes a Leaſe or grants a Rent-Charge, the firſt Tenant ſuffers a Recovery, the Leaſe or Rent is diſcharged. See after.

But

But if a Common Recovery be had againſt Tenant in Tail where there is a Remainder over to another, and he vouch over the Common Vouchee; in this Caſe and by this he is barred, and his Iſſues, if he had any, and he in the Remainder is barred, and ſo is he in Reverſion alſo, although it has been held otherwiſe, 1 *Co.* 63. *Bendl.* 11.

Tenant in Tail Remainder over, Tenant in Tail ſuffers a Recovery, and vouches the Common Vouchee.

If he in Remainder grant a Rent, and after the Tenant in Tail ſuffer a Recovery, and dye without Iſſue, the Remainder is diſcharged of the Rent, *Moor* 298.

Rent diſcharged, ſee before.

And if there be a Leaſe for years, and a Recovery ſuffered of a Reverſion, this will not hurt the Leaſe for years, but he may falſifie it by *Stat.* 11 *H.* 8. 15.

Recovery of a Reverſion. Leaſe for years ſaved.

But a Recovery ſuffered by Tenant in Tail after he hath made a Leaſe of the Land, or entred into a Statute will make the Leaſe or Charge that before was voidable, good againſt the Iſſue in Tail, and him in Remainder or Reverſion; and the Recoverer alſo ſhall hold it charged, and ſubject to the Leaſe made by Tenant in Tail, 1 *Co.* 25. 44 *E.* 3. 22.

Tenant in Tail may not avoid his own Leaſe or Rent granted by him out of the Land, but the Recovery ſhall enure to perfect the Grant and Leaſe.

If he in Reverſion upon an Eſtate Tail, grant a Rent Charge and Tenant in Tail diſcontinue, this Charge is of no effect until the recontinuance of the Eſtate Tail, by him in Reverſion, though Tenant in Tail die without Iſſue, *Jenk. Cent.* 6. *c.* 41.

Reverſioner grants a Rent-Charge and Tenant in Tail diſcontinues and dies without Iſſue.

But

Recovery by Collusion against Tenant in Tail who dies without Issue.

But where a Recovery is by Collusion against Tenant in Tail, and the Tenant die without Issue, such a Grantee may falsifie this Recovery as a Stranger; but otherwise it is of Parties and Privies to it.

General Rule.

And in all Cases afore mentioned of a Recovery that is void, it must be understood to be void, as to the Issues Heirs, *&c.* of him that suffers the Recovery, and as to them that are in Reversion, and Remainder of their Estate, and not as to the Parties to the Recovery; for as to them the same doth for the most part conclude them by way of Estoppel, 3 *Co.* 5.

Estoppel.

How a Recovery may be avoided, or falsified.

Recovery avoided.

IT may be defeated, frustrated and avoided in part or in all, for many causes and ways, and this is called falsifying of a Recovery.

By Error.

Sometimes it is by Writ of Error, when there is some gross or substantial Error in the manner of the proceeding.

Not for incongruous Latin, or want of Form.

But not for incongruous Latin, Rasure, Interlining, Misentring of any Warrant of Attorny, misreturning or not returning of the Sheriff or other want of Form in words, and not in matter of Substance, 23 *Eliz. c.* 3. 21 *H.* 8. *c.* 15. *Co. Lit.* 46, 104. *Plowd.* 515. *Dyer* 249. 3 *Co.* 78. 5. *Co.* 40.

Avoided by pleading. That it was by Covin.

And sometimes it may be avoided by pleading and setting forth of the special matter, as where the Recovery is by Covin against the Tenant for Life.

Or

Or for that he againſt whom the Writ is brought is no Tenant to the Freehold, by right or by wrong, at the time of the Writ of Entry brought; as where a Writ is brought againſt a Stranger that hath nothing in the Land, and he doth vouch the Tenant in Tail in Poſſeſſion of the Land. That he was not Tenant to the Freehold.

An infant that ſuffers a Recovery may not avoid it by Entry, but muſt avoid it by Writ of Error, *Stiles Rep.* 246. By Infant and how.

Or a Recovery may be avoided, for that he that hath the Eſtate and Right, is neither party nor privy to the Recovery; As where it is brought againſt a Diſſeiſor, and he vouches one that hath nothing in the Land. Neither Party nor Privy.

Or where the Recovery is had againſt the Husband alone, of the Land whereunto his Wife hath Title of Dower. Recovery againſt Husband alone.

Alſo the Iſſue in Tail againſt a Common Recovery had by the Anceſtor, may ſay, That he was not Tenant to the Precipe, nor ſeized of an Eſtate Tail *tempore Brevis*, and this is a good Bar, 3 *Co.* 11. Not Tenant to the Precipe.

As where he in Remainder in Tail diſcontinues the Eſtate Tail, and takes a new Eſtate, and then ſuffers a Common Recovery; by this the Eſtate Tail is not barred, for he was not ſeized of it, as is before obſerved. Not ſeized. *Note*, This is to be intended of a Recovery with ſingle Voucher.

So if Tenant for Life, and he in Remainder in Tail, ſuffer a Common Recovery, and both vouch over the Common Vouchee, as is before obſerved. Tenant for Life, and he in Remainder, both vouch Common Vouchee.

So

Three Tenants in Tail, Remainder in Fee. First Tenant diſcontinues, the Diſcontinuee makes a Feoffment and vouches. 2d Tenant in Tail.

So if *A.* be Tenant in Tail, Remainder to *B.* in Tail, Remainder to *C.* in Tail, Remainder to *D.* in Fee. *A.* makes a Feoffment, the Feoffee doth ſuffer a Recovery, and vouch *B.* who voucheth over; *A.* is not barred, but *B. C.* and *D.* are barred, and all their Remainders, 1 *Co.* 3. as is before obſerved.

A Recovery in ſome Caſes may be avoided by others; as

Recovery avoided by Tenant by Elegit &c.

Where a Recovery is had of the Land, whereof I have an Eſtate for years, by Statute, *Elegit*, or the like, at the time of the Recovery had.

General Rule who may avoid the Recovery.

And where a Recovery may be avoided for any of the afore-mentioned Cauſes, it muſt be by one whom it doth concern, and that otherwiſe ſhould have had the Land, and not by any other whom it doth not concern.

Iſſue of Tenant in Tail.

As if an Erroneous Recovery be ſuffered by Tenant in Tail; In this Caſe his Iſſues, or if they fail, the next in Remainder or Reverſion ſhall defeat it.

By Tenant in Tail.

So alſo if the Land be recovered againſt a Stranger, the Tenant in Tail ſhall avoid it.

By Diſſeiſee.

And if the Land be recovered againſt a Diſſeiſor, the Diſſeiſee ſhall avoid it;

Tenant by Statute, &c.

And the Land recovered againſt him in Reverſion or Remainder; the Tenant by *Statute*, *Elegit*, or for Years, ſhall avoid it.

But in theſe Caſes they muſt avoid it during their particular Eſtates, and may not do it afterwards.

By the Wife.

The Wife may falſify a Recovery ſuffered by her Husband alone, as to her Title of Dower only, and no longer, or farther.

So

So he in Reversion or Remainder may falsify and avoid a Recovery suffered by the Tenant for Life, either in the life-time of the Tenant, or afterwards, to which he was not privy. By him in the Remainder

But a Stranger shall never take advantage of a Recovery although it be erroneous, *Jenk. Cent.* 8. *Case* 32. No advantage to be taken by a Stranger.

But neither he in Reversion or Remainder, or any by or under him, or any other, may falsify a Recovery suffered by Tenant in Tail in possession, except it be for the Causes before set down. Rule.

The Recoverer himself may not falsify a Recovery, nor a Guardian, or a Tenant of a Mannor; as if one hold a Mannor, and a Stranger recover the Mannor by a feigned Title, a Tenant of the Mannor may not falsify it. Not by the Recoverer or Tenant of a Mannor.

But a Termor for Years may falsify a feigned Recovery had against him in Reversion, and shall retain and enjoy his Term against the Recoverer, his Heirs and Assigns according to his Lease by the Statute 21 *H.* 8. 15. Termor for years may avoid.

No Statute-Staple, Merchant or Execution by Elegit, may be avoided by a feigned Recovery, but such Tenants shall have like remedy to falsify such Recovery as the Lessee for Years may have, 21 *H.* 8. *cap.* 15. *Co. Inst.* 2. 321, 322. 1 *Cro.* 284. No Statute &c. barred by Recovery.

Sometimes it may be avoided by Entry as well as by Writ of Error and Pleading. Recovery avoided by Entry.

Sometimes it hath been made void by the Sentence of a Court called a *Vacat*, when the Recovery hath been by Covin; as where Tenant for Life shall suffer a Recovery to disinherit him in By a Vacat.

the

the Reversion, or by some undue Practice or Sinister Dealing.

And this hath been done only upon the discovery of the Matter of Practice to the Court, upon which only the Court doth make void the Judgment, *Plow.* 515. 1 *Co.* 62, 63, 64. *Dyer* 249.

Termor for years how he may avoid, &c.

A Termor for Years, by Deed or without Deed, may falsify a feigned Recovery had against him in Reversion, and shall retain and enjoy his Term against the Recoverer, his Heirs and Assigns according to the Lease; and the Recoverer shall have like remedy against the Termor, his Executros or Assigns, or Action of Debt for Rents and Services reserved upon such Lease, and due after such Recovery, as the Lessor might have had if such Recovery had never been.

Also Tenants by Statute-Staple, Statute-Merchant, or upon Execution by *Elegit*, may also falsify such Recoveries as the Lessee for Years may do, Statute 21 *H.* 8. *cap.* 15. *Co. Inst.* 2 *part* 322, 323. See the Statutes.

Errors amendable by the Court.

Note, That most Errors in a Common Recovery are amendable by the Court the first Term after the Recovery is had; but for all this see *Dyer* 1. 105, 188. 6 *Co.* 7. 8 *Co.* 162. 2 *Bulst.* 14. *Goldsb.* 181. *Bridgeman* 71. *Owen* 68.

Where, by whom, and how a Recovery may be falsified. See *Huges Nomotomia, page* 459, 460.

And

And for avoidance of a Common Recovery, see more in 2 *part C. Inſt.* 320,322,323. *cap.*2. *ſect.* 17, 18.

Note alſo, That the ſame Rules (for the moſt part) are to be obſerved and followed for the guiding and directing of the Uſes of a Recovery, as are obſerved for the guidance and direction of the Uſes of a Fine, *viz.* That an Uſe may be averred upon it, *&c.* Rules for directing the Uſes of a Recovery.

See more of Common Recoveries in *Moors Rep.* 95, 727. *Bro. ſect.* 143. *Hob. Rep.* 338. *Godb. Rep.* 417.

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